

103D CONGRESS
1ST SESSION

S. 1547

To reauthorize and amend title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”), and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 14 (legislative day, OCTOBER 13), 1993

Mr. BAUCUS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To reauthorize and amend title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Safe Drinking Water Act Amendments of 1993”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Findings.
- Sec. 3. State revolving loan funds.

- Sec. 4. National drinking water regulations.
- Sec. 5. Small public water systems.
- Sec. 6. Enforcement of drinking water regulations.
- Sec. 7. Control of lead in drinking water.
- Sec. 8. Radon in drinking water and indoor air.
- Sec. 9. Point of use devices.
- Sec. 10. Drinking water supply protection.
- Sec. 11. Emergency powers.
- Sec. 12. Tampering with public water systems.
- Sec. 13. Drinking water research, education, and certification.
- Sec. 14. State drinking water program funding.
- Sec. 15. Records and inspections.
- Sec. 16. Federal agencies.
- Sec. 17. Citizen's civil action.
- Sec. 18. Other amendments.

1 (c) REFERENCES TO TITLE XIV OF THE PUBLIC
 2 HEALTH SERVICE ACT.—Except as otherwise expressly
 3 provided, whenever in this Act an amendment or repeal
 4 is expressed in terms of an amendment to, or repeal of,
 5 a section or other provision, the reference shall be consid-
 6 ered to be made to a section or other provision of title
 7 XIV of the Public Health Service Act (commonly known
 8 as the “Safe Drinking Water Act”) (42 U.S.C. 300f et
 9 seq.).

10 **SEC. 2. FINDINGS.**

11 Congress finds that—

12 (1) safe drinking water is essential to the pro-
 13 tection of public health;

14 (2) the Federal Government needs to assist
 15 communities in the financing of drinking water
 16 treatment and related projects;

17 (3) small drinking water systems need addi-
 18 tional technical assistance and information from

1 State and Federal agencies in the development and
2 implementation of coordinated plans for the provi-
3 sion of safe and affordable drinking water;

4 (4) the existing process for the assessment and
5 regulation of additional drinking water contaminants
6 needs to be improved and revised to provide for
7 more extensive participation from interested parties;

8 (5) States play a central role in the implemen-
9 tation of safe drinking water programs and States
10 need increased financial resources to ensure the
11 prompt and effective development and implementa-
12 tion of drinking water programs; and

13 (6) there is substantial noncompliance with re-
14 quirements of title XIV of the Public Health Service
15 Act (commonly known as the “Safe Drinking Water
16 Act”) (42 U.S.C. 300f et seq.) and Federal and
17 State agencies need additional authorities to ensure
18 the implementation of the Act.

19 **SEC. 3. STATE REVOLVING LOAN FUNDS.**

20 (a) ESTABLISHMENT OF STATE LOAN FUNDS.—The
21 title is amended by adding at the end the following:

“PART G—RESERVED

“PART H—STATE REVOLVING LOAN FUNDS

“SEC. 1481. GENERAL AUTHORITY.

“(a) CAPITALIZATION GRANT AGREEMENTS.—The Administrator shall offer to enter into an agreement with each State to make capitalization grants to the State pursuant to section 1482 (referred to in this part as a ‘capitalization grants’) to establish a drinking water treatment State revolving loan fund (referred to in this part as a ‘State loan fund’).

“(b) REQUIREMENTS OF AGREEMENTS.—An agreement entered into pursuant to this section shall establish, to the satisfaction of the Administrator, that—

“(1) the State has established a State loan fund that complies with the requirements of this part;

“(2) the State loan fund will be administered by an instrumentality of the State that has the powers and authorities that are required to operate the State loan fund in accordance with this part;

“(3) the State will deposit the capitalization grants into the State loan fund;

“(4) the State will deposit all loan repayments received, and interest earned on the amounts deposited into the State loan fund under this part, into the State loan fund;

1 “(5) the State will deposit into the State loan
2 fund an amount equal to at least 20 percent of the
3 total amount of each capitalization grant to be made
4 to the State on or before the date on which the
5 grant is made to the State;

6 “(6) the State will use funds in the State loan
7 fund in accordance with an intended use plan pre-
8 pared pursuant to section 1484(b);

9 “(7) the State has in effect legal authority ade-
10 quate to prevent the formation of nonviable public
11 water systems beginning not later than January 1,
12 1996; and

13 “(8) the State and loan recipients that receive
14 funds that the State makes available from the State
15 loan fund will use accounting, audit, and fiscal pro-
16 cedures that conform to generally accepted account-
17 ing standards, as determined by the Administrator.

18 “(c) ADMINISTRATION OF STATE LOAN FUNDS.—

19 “(1) IN GENERAL.—The authority to establish
20 assistance priorities and carry out oversight and re-
21 lated activities (other than financial administration)
22 with respect to financial assistance provided with
23 amounts deposited into the State loan fund shall re-
24 main with the State agency that has primary re-

1 sponsibility for the administration of the State pro-
2 gram pursuant to section 1413(a).

3 “(2) FINANCIAL ADMINISTRATION.—A State
4 may combine the financial administration of the
5 State loan fund pursuant to this part with the finan-
6 cial administration of a State water pollution control
7 revolving fund established by the State pursuant to
8 title VI of the Federal Water Pollution Control Act
9 (33 U.S.C. 1381 et seq.) if the Administrator deter-
10 mines that the grants to be provided to the State
11 under this part, together with loan repayments and
12 interest deposited into the State loan fund pursuant
13 to this part, will be segregated and used solely for
14 the purposes specified in this part.

15 **“SEC. 1482. CAPITALIZATION GRANTS.**

16 “(a) GENERAL AUTHORITY.—The Administrator
17 may make grants to capitalize State loan funds to a State
18 that has entered into an agreement pursuant to section
19 1481.

20 “(b) FORMULA FOR ALLOTMENT OF FUNDS.—

21 “(1) IN GENERAL.—Subject to subsection (c),
22 funds made available to carry out this part shall be
23 allotted to States that have entered into an agree-
24 ment pursuant to section 1481 in accordance with a
25 formula that is the same as the formula used to dis-

1 tribute public water system supervision grant funds
2 under section 1443 for fiscal year 1994.

3 “(2) OTHER JURISDICTIONS.—Each formula es-
4 tablished pursuant to paragraph (1) shall reserve
5 not less than 0.5 percent of the amounts made avail-
6 able to carry out this part for a fiscal year for pro-
7 viding capitalization grants to jurisdictions, other
8 than Indian Tribes, referred to in subsection (e).

9 “(c) RESERVATION OF FUNDS.—

10 “(1) INDIAN TRIBES.—

11 “(A) IN GENERAL.—For each fiscal year,
12 prior to the allotment of funds made available
13 to carry out this part, the Administrator shall
14 reserve 1 percent of the funds for providing fi-
15 nancial assistance to Indian Tribes pursuant to
16 subsection (e).

17 “(B) USE OF FUNDS.—Funds reserved
18 pursuant to subparagraph (A) shall be used to
19 address the most significant threats to public
20 health associated with public water systems
21 that serve Indian Tribes, as determined by the
22 Administrator in consultation with the Commis-
23 sioner of Indian Affairs.

24 “(C) NEEDS ASSESSMENT.—The Adminis-
25 trator, in consultation with the Commissioner of

1 Indian Affairs, shall, in accordance with a
2 schedule that is consistent with the needs sur-
3 vey for assessments conducted pursuant to sec-
4 tion 1485(c), prepare a biennial survey and as-
5 sess the needs of drinking water treatment fa-
6 cilities to serve Indian Tribes, including an
7 evaluation of the public water systems that pose
8 the most significant threats to public health.

9 “(2) PUBLIC HEALTH EMERGENCIES.—

10 “(A) IN GENERAL.—For each fiscal year,
11 prior to the allotment of funds made available
12 to carry out this part pursuant to subsection
13 (b), the Administrator shall reserve 1 percent of
14 the funds to provide financial assistance to re-
15 spond to public health emergencies under sec-
16 tion 1442(b).

17 “(B) ALLOTMENT OF UNUSED FUNDS.—

18 On the last day of each fiscal year, the Admin-
19 istrator shall allot any funds that were reserved
20 pursuant to subparagraph (A) but not expended
21 in the fiscal year to the States on the basis of
22 the same ratio as is applicable to sums allotted
23 under subsection (b).

24 “(d) ALLOTMENT PERIOD.—

1 “(1) PERIOD OF AVAILABILITY FOR FINANCIAL
2 ASSISTANCE.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), the sums allotted to a State
5 pursuant to subsection (b) for a fiscal year shall
6 be available to the State for obligation during
7 the fiscal year for which the sums are author-
8 ized and during the following fiscal year.

9 “(B) FUNDS MADE AVAILABLE FOR FISCAL
10 YEAR 1994.—The sums allotted to a State pur-
11 suant to subsection (b) from funds that are
12 made available by appropriations for fiscal year
13 1994 shall be available to the State for obliga-
14 tion during each of fiscal years 1994 through
15 1996.

16 “(2) REALLOTMENT OF UNOBLIGATED
17 FUNDS.—The amount of any allotment that is not
18 obligated by a State by the last day of the period of
19 availability established by paragraph (1) shall be im-
20 mediately reallocated by the Administrator on the
21 basis of the same ratio as is applicable to sums allot-
22 ted under subsection (b). None of the funds reallo-
23 ted by the Administrator shall be reallocated to any
24 State that has not obligated all sums allotted to the

1 State pursuant to this section during the period that
2 the sums were available for obligation.

3 “(e) DIRECT GRANTS.—The Administrator is author-
4 ized to make grants for the improvement of public water
5 systems of Indian Tribes, the District of Columbia, the
6 United States Virgin Islands, the Commonwealth of the
7 Northern Mariana Islands, American Samoa, Guam, and
8 the Republic of Palau, pending ratification of the Compact
9 of Free Association (formerly part of the Trust Territory
10 of the Pacific Islands).

11 **“SEC. 1483. ELIGIBLE ASSISTANCE.**

12 “(a) IN GENERAL.—The amounts deposited into a
13 State loan fund, including any amounts equal to the
14 amounts of loan repayments and interest earned on the
15 amounts deposited, may be used by the State to carry out
16 projects that are consistent with this section.

17 “(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—The
18 amounts deposited into a State loan fund shall be used
19 only for providing financial assistance for—

20 “(1) capital expenditures for a project that will
21 facilitate compliance with national primary drinking
22 water regulations issued pursuant to section 1412;

23 “(2) capital expenditures for a project that will
24 facilitate the consolidation of public water systems
25 or the use of an alternative source of water supply;

1 “(3) capital expenditures for a project that will
2 upgrade drinking water supply, treatment, and dis-
3 tribution systems;

4 “(4) capital expenditures for a project that will
5 facilitate water conservation;

6 “(5) capital expenditures for a project that will
7 implement a local or State source water protection
8 program under section 1427 or 1428;

9 “(6) providing capital for loans by a drinking
10 water system or State to low-income customers of a
11 drinking water system for mitigation of radon in the
12 air indoors;

13 “(7) the purchase of land that is necessary for
14 a treatment facility; and

15 “(8) capital expenditures for the development of
16 a drinking water system to replace a private drink-
17 ing water supply if the water poses a significant
18 threat to public health.

19 “(c) ELIGIBLE PUBLIC WATER SYSTEMS.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), a State loan fund may provide financial
22 assistance only to community water systems and
23 public and nonprofit noncommunity water systems.

24 “(2) PRIVATELY OWNED SYSTEMS.—Before
25 providing financial assistance to a privately owned

1 system pursuant to this paragraph, the State shall
2 ensure that the assistance is secured with an appro-
3 priate amount and type of financial collateral.

4 “(d) TYPES OF ASSISTANCE.—Except as otherwise
5 limited by State law, the amounts deposited into a State
6 loan fund under this section may be used only—

7 “(1) to make loans, on the condition that—

8 “(A) the interest rate for each loan is less
9 than or equal to the market interest rate, in-
10 cluding an interest free loan;

11 “(B) annual principal and interest pay-
12 ments on each loan will commence not later
13 than 1 year after the completion of the project
14 for which the loan was made and each loan will
15 be fully amortized not later than 20 years after
16 the completion of the project;

17 “(C) the recipient of each loan will estab-
18 lish a dedicated source of revenue for the repay-
19 ment of the loan; and

20 “(D) the State loan fund will be credited
21 with all payments of principal and interest on
22 each loan;

23 “(2) to buy or refinance the debt obligation of
24 a municipality or an intermunicipal or interstate

1 agency within the State at an interest rate that is
2 less than or equal to the market interest rate;

3 “(3) to guarantee, or purchase insurance for, a
4 local obligation if the guarantee or purchase would
5 improve credit market access or reduce the interest
6 rate applicable to the obligation;

7 “(4) as a source of revenue or security for the
8 payment of principal and interest on revenue or gen-
9 eral obligation bonds issued by the State if the pro-
10 ceeds of the sale of the bonds will be deposited into
11 the State loan fund;

12 “(5) as a source of revenue or security for the
13 payment of interest on a local obligation, if the pay-
14 ment from the State loan fund does not reduce the
15 effective interest rate of the obligation by more than
16 2.5 percentage points; and

17 “(6) to earn interest on the amounts deposited
18 into the State loan fund.

19 “(e) CONSISTENCY WITH PLANNING REQUIRE-
20 MENTS.—

21 “(1) IN GENERAL.—Beginning with fiscal year
22 1998, no loan or other financial assistance shall be
23 provided from a State loan fund for any project that
24 serves a public water system serving fewer than
25 3,300 individuals and that is not recommended in a

1 State drinking water supply plan for small drinking
2 water systems approved pursuant to section 1415(a).

3 “(2) CONSISTENCY WITH COMPLIANCE PRO-
4 GRAM.—No loan or other financial assistance shall
5 be provided from a State loan fund for a project
6 that serves a public water system that serves fewer
7 than 3,300 individuals if the project is not consist-
8 ent with a small system compliance program devel-
9 oped pursuant to section 1415(b), if any.

10 “(f) ASSISTANCE FOR DISADVANTAGED COMMU-
11 NITIES.—

12 “(1) DEFINITION OF DISADVANTAGED COMMU-
13 NITY.—As used in this subsection, the term ‘dis-
14 advantaged community’ means the service area of a
15 public water system with respect to which the aver-
16 age annual residential drinking water charges for a
17 user of the system (referred to in this subsection as
18 ‘average annual residential user charges’) is an
19 amount greater than 1.5 percent of the median
20 household income for the service area or will be an
21 amount greater than 1.5 percent of the median
22 household income for the service area if no subsidy
23 is provided to the system pursuant to this sub-
24 section.

1 “(2) LOAN SUBSIDY.—Notwithstanding sub-
2 section (d)(1), in any case in which the State makes
3 a loan pursuant to subsection (d)(1) to a disadvan-
4 tagged community or to a community that the State
5 expects to become a disadvantaged community as
6 the result of a proposed project, the State may for-
7 give an amount of the principal of the loan not to
8 exceed the amount of forgiveness required to ensure
9 that the average annual residential drinking water
10 user charges for the service area of the public water
11 system that is the subject of the loan do not exceed
12 1.5 percent of the median household income for the
13 service area.

14 “(3) TOTAL AMOUNT OF SUBSIDIES.—For each
15 fiscal year, the total amount of loan subsidies made
16 by a State pursuant to paragraph (2) may not ex-
17 ceed 20 percent of the balance of the fund, cal-
18 culated on the first day of the fiscal year.

19 **“SEC. 1484. STATE LOAN FUND ADMINISTRATION.**

20 “(a) ADMINISTRATION, PLANNING, AND TECHNICAL
21 ASSISTANCE.—Each State that has a State loan fund is
22 authorized to expend from the State loan fund a reason-
23 able amount—

1 “(1) not to exceed 4 percent of the capitaliza-
2 tion grant made to the State, for the costs of the ad-
3 ministration of the State loan fund; and

4 “(2) not to exceed the greater of \$500,000 or
5 10 percent of the capitalization grant made to the
6 State, for technical and financial management as-
7 sistance to public water systems that serve fewer
8 than 3,300 individuals, including assistance for—

9 “(A) the development of small public water
10 system management plans pursuant to section
11 1415(a); and

12 “(B) the development of small system com-
13 pliance programs under section 1415(b).

14 “(b) INTENDED USE PLANS.—

15 “(1) IN GENERAL.—After providing for public
16 review and comment, each State that has entered
17 into a capitalization agreement pursuant to this part
18 shall, prior to receiving a capitalization grant under
19 section 1482, prepare a plan that identifies the in-
20 tended uses of the amounts deposited into the State
21 loan fund of the State.

22 “(2) CONTENTS.—An intended use plan shall
23 include—

24 “(A) a list of the projects to be assisted in
25 the first fiscal year that begins after the date

1 of the plan, including a description of the
2 project, the terms of financial assistance, and
3 the size of the community served;

4 “(B) a description of all projects for which
5 a public water system sought financial assist-
6 ance for the fiscal year and the annual user
7 charges of the system;

8 “(C) the criteria and methods established
9 for the distribution of funds;

10 “(D) a description of projects expected to
11 be assisted in the 2 fiscal years following the
12 fiscal year for which a list was prepared under
13 subparagraph (A); and

14 “(E) a description of the financial status
15 of the State loan fund and the short-term and
16 long-term goals of the State loan fund.

17 “(3) USE OF FUNDS.—An intended use plan
18 shall provide, to the extent practicable, that first pri-
19 ority for the use of funds be given to public water
20 systems that are in violation of a national primary
21 drinking water regulation and in which residential
22 water system rates are the highest percentage of me-
23 dian household income.

24 “(4) CONSOLIDATION.—An intended use plan
25 shall ensure that no assistance under this part for

1 a project other than the consolidation of public
2 water systems is provided to a public water system
3 for which consolidation is identified as a goal in a
4 small public water system management plan devel-
5 oped pursuant to section 1415(a) or otherwise deter-
6 mined by the Administrator to be appropriate.

7 **“SEC. 1485. STATE LOAN FUND MANAGEMENT.**

8 “(a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this part, and annually thereafter,
10 the Administrator shall conduct such reviews and audits
11 as the Administrator considers appropriate, or require
12 each State to have the reviews and audits independently
13 conducted, in accordance with the single audit require-
14 ments of chapter 75 of title 31, United States Code.

15 “(b) STATE REPORTS.—Not later than 1 year after
16 the date of enactment of this part, and annually there-
17 after, each State that administers a State loan fund shall
18 publish and submit to the Administrator a report on the
19 activities of the State under this part, including the find-
20 ings of the most recent audit of the State loan fund.

21 “(c) DRINKING WATER NEEDS SURVEY AND ASSESS-
22 MENT.—Not later than 2 years after the date of enact-
23 ment of this part, and every 4 years thereafter, the Ad-
24 ministrator shall submit to Congress a survey and assess-
25 ment of the needs for facilities in each State eligible for

1 assistance under this part. The survey and assessment
2 conducted pursuant to this subsection shall—

3 “(1) identify the needs for projects or facilities
4 eligible for assistance under this part on the date of
5 the assessment (other than refinancing for a project
6 pursuant to section 1483(d)(2));

7 “(2) identify the needs for eligible facilities over
8 the 20-year period following the date of the assess-
9 ment;

10 “(3) identify the population served by each pub-
11 lic water system that has a project eligible for assist-
12 ance; and

13 “(4) include such other information as the Ad-
14 ministrator determines to be appropriate.

15 “(d) EVALUATION.—The Administrator shall conduct
16 an evaluation of the effectiveness of the State loan funds
17 through fiscal year 1996. The evaluation shall be submit-
18 ted to Congress at the same time as the President submits
19 to Congress, pursuant to section 1108 of title 31, United
20 States Code, an appropriations request for fiscal year
21 1998 relating to the budget of the Environmental Protec-
22 tion Agency.

23 **“SEC. 1486. ENFORCEMENT.**

24 “The failure or inability of any public water system
25 to receive funds under this part or any other loan or grant

1 program, or any delay in obtaining the funds, shall not
2 alter the obligation of the system to comply in a timely
3 manner with all applicable drinking water standards and
4 requirements of this Act.

5 **“SEC. 1487. LABOR STANDARDS.**

6 “(a) IN GENERAL.—The Administrator shall take
7 such action as is necessary to ensure that all laborers and
8 mechanics employed by contractors or subcontractors of
9 treatment works for which financial assistance is provided
10 under this part shall be paid wages at rates not less than
11 the prevailing rates for the same type of work on similar
12 construction in the immediate locality, as determined by
13 the Secretary of Labor in accordance with the Act entitled
14 ‘An Act relating to the rate of wages for laborers and me-
15 chanics employed on public buildings of the United States
16 and the District of Columbia by contractors and sub-
17 contractors, and for other purposes’, approved March 3,
18 1931 (commonly known as the ‘Davis-Bacon Act’) (40
19 U.S.C. 276a et seq.).

20 “(b) AUTHORITY AND FUNCTIONS.—With respect to
21 the labor standards described in subsection (a), the Sec-
22 retary of Labor shall have the authority and functions set
23 forth in Reorganization Plan Numbered 14 of 1950 (15
24 Fed. Reg. 3176) and section 2 of the Act of June 13,
25 1934 (48 Stat. 948, chapter 482; 40 U.S.C. 276c).

1 **“SEC. 1488. REGULATIONS AND GUIDANCE.**

2 “The Administrator shall publish such guidance and
3 issue such regulations as are necessary to carry out this
4 part, including guidance and regulations to ensure that—

5 “(1) each State commits and expends funds
6 from State loan funds in accordance with the re-
7 quirements of this part and applicable Federal and
8 State laws; and

9 “(2) the States and eligible public water sys-
10 tems that receive funds under this part use account-
11 ing, audit, and fiscal procedures that conform to
12 generally accepted accounting standards.

13 **“SEC. 1489. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated to the Envi-
15 ronmental Protection Agency to carry out this part
16 \$600,000,000 for fiscal year 1994 and \$1,000,000,000 for
17 each of fiscal years 1995 through 2000.”.

18 (b) DEFINITIONS.—Section 1401 (42 U.S.C. 300f) is
19 amended—

20 (1) in paragraph (14), by adding at the end the
21 following new sentence: “The term includes any Na-
22 tive village, as defined in section 3(c) of the Alaska
23 Native Claims Settlement Act (43 U.S.C.
24 1602(c)).”; and

25 (2) by adding at the end the following new
26 paragraphs:

1 “(15) The term ‘community water system’
2 means a public water system that—

3 “(A) serves at least 15 service connections
4 used by year-round residents of the area served
5 by the system; or

6 “(B) regularly serves at least 25 year-
7 round residents.

8 “(16) The term ‘noncommunity water system’
9 means a public water system that is not a commu-
10 nity water system.

11 “(17) The term ‘nonviable public water sys-
12 tem’—

13 “(A) means a public water system that the
14 Governor of a State determines is unlikely to
15 attain compliance with the requirements of this
16 Act on a sustained basis; but

17 “(B) does not include a public water sys-
18 tem that the Governor determines will substan-
19 tially improve existing conditions that pose a
20 threat to public health.”.

21 **SEC. 4. NATIONAL DRINKING WATER REGULATIONS.**

22 (a) IDENTIFICATION OF CONTAMINANTS.—Para-
23 graph (3) of section 1412(b) (42 U.S.C. 300g-1(b)(3)) is
24 amended to read as follows:

1 “(3)(A) The Administrator may publish a maximum
2 contaminant level goal and promulgate a national primary
3 drinking water regulation for any contaminant that the
4 Administrator determines may have any adverse effect on
5 human health and that is known or anticipated to occur
6 in public water systems in a concentration or frequency
7 that indicates a public health concern. The Administrator
8 shall not be required to complete action under subpara-
9 graph (B), (C), or (D) prior to promulgating a national
10 primary drinking water regulation for a contaminant.

11 “(B)(i) Not later than 3 years after the date of enact-
12 ment of the Safe Drinking Water Act Amendments of
13 1993, the Administrator shall publish in the Federal Reg-
14 ister a list and assessment of not fewer than 15 unregu-
15 lated contaminants that, on the basis of the adverse health
16 effects that may result from the contaminants and the oc-
17 currence of the contaminants in public water systems, the
18 Administrator determines present the greatest public
19 health concern. Not later than 3 years after the date of
20 publication of an initial list pursuant to this clause, and
21 every 3 years thereafter, the Administrator shall publish,
22 pursuant to this clause, a list and assessment of not fewer
23 than 7 contaminants. At the time of the identification of
24 any contaminant pursuant to this subparagraph, the Ad-
25 ministrator shall identify such additional research con-

cerning health effects as is necessary to ensure appropriate control of the contaminant.

“(ii) Not later than 1 year prior to publication of a list pursuant to this subparagraph, the Administrator shall publish in the Federal Register a proposed list and a summary of information concerning the health effects and occurrence of contaminants proposed to be listed pursuant to this subparagraph and any contaminants considered for inclusion on the list established under this subparagraph that the Administrator has not proposed to be listed.

“(iii) Not later than 180 days after publishing a proposed list pursuant to clause (ii), the Administrator, in conjunction with the National Drinking Water Advisory Council, shall hold a public hearing to hear comments on the list of contaminants proposed pursuant to clause (ii). The Council shall submit to the Administrator a report recommending any changes to the proposed list along with any dissenting views of members of the Council. Each hearing conducted pursuant to this clause shall be open to the public and each person submitting comments on the list proposed pursuant to clause (ii) shall be invited to attend the hearing.

“(C)(i) Not later than 2 years after a contaminant has been listed pursuant to subparagraph (B), the Admin-

1 istrator shall publish a health assessment for the contami-
2 nant that contains a summary of the research on the ad-
3 verse health effects that are likely as a result of the occur-
4 rence of the contaminant in public water systems.

5 “(ii) The Administrator may, after providing notice
6 in the Federal Register, delay the date of publication of
7 the health assessment required under clause (i) for a pe-
8 riod not to exceed 2 years, if the Administrator determines
9 that additional research is necessary to fully determine the
10 adverse health effects that may result from the contami-
11 nant.

12 “(iii) Each health assessment required under clause
13 (i) shall be reviewed by the Science Advisory Board estab-
14 lished under section 8 of the Environmental Research, De-
15 velopment, and Demonstration Authorization Act of 1978
16 (42 U.S.C. 4365) prior to publication.

17 “(D)(i) At the time a health assessment for a con-
18 taminant is published under subparagraph (C), the Ad-
19 ministrator shall—

20 “(I) propose a maximum contaminant level goal
21 and a national primary drinking water regulation for
22 the contaminant; or

23 “(II) publish a determination that the contami-
24 nant does not meet the criteria established in sub-
25 paragraph (A) and a national primary drinking

1 water regulation for the contaminant will not be pro-
2 posed.

3 “(ii) A determination published pursuant to clause
4 (i)(II) shall be considered to be a final agency action for
5 purposes of section 1448.

6 “(E) Not later than 18 months after the date on
7 which the Administrator proposes a national primary
8 drinking water regulation for a contaminant pursuant to
9 subparagraph (D), the Administrator shall publish a maxi-
10 mum contaminant level goal and promulgate a national
11 primary drinking water regulation for the contaminant.

12 “(F) The Administrator shall publish a health advi-
13 sory pursuant to subsection (f) for any contaminant listed
14 under subparagraph (B) for which the Administrator de-
15 termines, pursuant to subparagraph (D)(i)(II), that a na-
16 tional primary drinking water regulation is not necessary
17 not later than 1 year after the date of the determination.

18 “(G) To ensure adequate occurrence data for pur-
19 poses of this paragraph, the Administrator shall establish
20 a data base on the occurrence of unregulated contami-
21 nants in public water systems and shall ensure that the
22 data base is available to the public in readily accessible
23 form. Information in the data base shall include—

24 “(i) such monitoring information on unregu-
25 lated contaminants collected by public water systems

1 that serve more than 10,000 individuals as is re-
2 quired by the Administrator;

3 “(ii) monitoring information from representa-
4 tive sampling among public water systems that serve
5 fewer than 10,000 individuals collected by the Ad-
6 ministrator or by the States; and

7 “(iii) such other monitoring information col-
8 lected from public water systems as the Adminis-
9 trator shall require.

10 “(H)(i) Except as provided in clause (ii), if in a peti-
11 tion signed by 7 or more Governors of States, the Gov-
12 ernors request the Administrator to publish a maximum
13 contaminant level goal and promulgate a national primary
14 drinking water regulation for a contaminant, the Adminis-
15 trator shall publish the goal and promulgate the regulation
16 not later than the date that is 2 years after the receipt
17 of the petition.

18 “(ii) The Administrator shall not be required to carry
19 out clause (i) with respect to a contaminant if, prior to
20 the date specified in clause (i), the Administrator pub-
21 lishes a determination in the Federal Register that—

22 “(I) the contaminant does not result in adverse
23 effects on human health as the result of the pres-
24 ence of the contaminant in public water systems; or

1 “(II) the concentration or frequency of occur-
 2 rence of the contaminant in public water systems
 3 does not constitute a public health concern.

4 “(iii) A determination by the Administrator not to
 5 promulgate a national primary drinking water regulation
 6 for a contaminant pursuant to clause (ii) shall be consid-
 7 ered to be a final agency action for purposes of section
 8 1448.”.

9 (b) DRINKING WATER STANDARD REVIEW AND COM-
 10 PLIANCE PERIODS.—

11 (1) REVIEW PERIOD.—The first and second
 12 sentences of section 1412(b)(9) (42 U.S.C. 300g-
 13 1(b)(9)) are each amended by striking “3” each
 14 place it appears and inserting “6”.

15 (2) COMPLIANCE PERIOD.—The first sentence
 16 of section 1412(b)(10) (42 U.S.C. 300g-1(b)(10)) is
 17 amended by striking all after “effect” and inserting
 18 “on a date to be determined by the Administrator
 19 that shall be not later than 3 years after the date
 20 of promulgation of the regulations.”.

21 (3) EXTENSION.—Section 1416(b)(2) (42
 22 U.S.C. 300g-5(b)(2)) is amended—

23 (A) in subparagraph (A), by striking all
 24 after “but” and inserting the following: “not
 25 later than 2 years after the date of granting of

1 the exemption if the appropriate official of the
2 public water system establishes, to the satisfac-
3 tion of the State, that—

4 “(i)(I) the system cannot meet the standard
5 without capital improvements and the improvements
6 cannot be completed within the compliance period
7 specified in section 1412(b)(10);

8 “(II) in the case of a system that needs finan-
9 cial assistance for the necessary improvements, the
10 system has obtained the assistance, or the needed fi-
11 nancial assistance is identified in an intended use
12 plan developed pursuant to section 1484(b) and the
13 assistance is reasonably likely to be available within
14 the period of the exemption; or

15 “(III) the appropriate official of the system has
16 entered into an enforceable agreement to consolidate
17 with another public water system or the system is
18 scheduled to be consolidated with another system
19 pursuant to a small system compliance program de-
20 veloped pursuant to section 1415(b) within the pe-
21 riod of the exemption; and

22 “(ii) the appropriate officials of the system are
23 taking all practicable steps to meet the standard.”;
24 and

1 (B) by striking subparagraphs (B) and
2 (C).

3 (4) SMALL SYSTEM COMPLIANCE PROGRAMS.—

4 (A) Subsections (a) and (b) of section
5 1416 (42 U.S.C. 300g-5 (a) and (b)) are
6 amended by inserting “or an approved small
7 system compliance program requirement” after
8 “treatment technique requirement” each place
9 it appears.

10 (B) Section 1416(a) (42 U.S.C. 300g-
11 5(a)) is amended by striking “or from both”.

12 (c) MONITORING REQUIREMENTS.—

13 (1) IN GENERAL.—Section 1412(b) (42 U.S.C.
14 300g-1(b)) is amended by adding at the end the fol-
15 lowing new paragraph:

16 “(12)(A) The Administrator may modify a national
17 primary drinking water regulation promulgated under this
18 section to remove the monitoring requirements for public
19 water systems that have not detected the contaminant that
20 is the subject of the regulation if the systems subject to
21 the requirements have completed at least 2 rounds of mon-
22 itoring and—

23 “(i) the contaminant has been detected in fewer
24 than 5 percent of all of the public water systems
25 and the contaminant level exceeds the maximum

1 contaminant level for the contaminant in fewer than
2 0.5 percent of all of the public water systems; or

3 “(ii) the contaminant has not been detected at
4 a level exceeding 75 percent of the maximum con-
5 taminant level for the contaminant in any of the
6 public water systems.

7 “(B) The Administrator may modify a national pri-
8 mary drinking water regulation to remove the monitoring
9 requirements applicable to public water systems with sur-
10 face water supplies or to systems with ground water sup-
11 plies, if the systems meet the conditions described in sub-
12 paragraph (A).

13 “(C) Nothing in this paragraph is intended to be in-
14 terpreted, construed, or applied to limit the authority of
15 the Administrator or a State to maintain drinking water
16 monitoring requirements for a specific public water system
17 or to take enforcement action with respect to the elements
18 of a national primary drinking water regulation other than
19 the monitoring requirements.”.

20 (2) SMALL SYSTEM MONITORING.—Section
21 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) is amended—

22 (A) by designating the first and second
23 sentences as subparagraphs (A) and (B), re-
24 spectively; and

1 (B) by adding at the end the following new
2 subparagraph:

3 “(C) With respect to monitoring requirements for
4 cancer causing contaminants, the Administrator or a State
5 that has primary enforcement responsibility pursuant to
6 section 1413(a) may modify the requirements to provide
7 that any public water system that serves a population of
8 fewer than 10,000 individuals shall not be required to con-
9 duct additional quarterly monitoring for a specific con-
10 taminant if monitoring for any 1 quarter conducted after
11 the date of enactment of this subparagraph for the con-
12 taminant fails to detect the presence of the contaminant
13 in the water supplied by the public water system.”.

14 (d) HEALTH ADVISORIES.—Section 1412 (42 U.S.C.
15 300g-1) is amended by adding at the end the following
16 new subsection:

17 “(f)(1) The Administrator may publish a health advi-
18 sory consisting of scientific documents describing the
19 probable health effects of a contaminant for which no
20 maximum contaminant level or treatment technique has
21 been established under a primary drinking water standard.

22 “(2) A health advisory published under this sub-
23 section shall provide background and related information
24 to drinking water professionals in a form that will assist

1 the professionals in the safe and effective operation of
2 public water systems.

3 “(3) A health advisory published under this sub-
4 section shall not be enforceable under this Act.

5 “(4) Subsection (e) shall not apply to a health advi-
6 sory published under this subsection.

7 “(5) A health advisory published under this sub-
8 section shall not be subject to review by the Office of Man-
9 agement and Budget.”.

10 (e) SUBSTITUTION OF SULFATE.—Section
11 1412(b)(2) (42 U.S.C. 300g–1(b)(2)) is amended by add-
12 ing at the end the following new subparagraph:

13 “(E) Notwithstanding any requirement for the Ad-
14 ministrator to take action by the date specified in subpara-
15 graph (B), the Administrator may, not later than 1 year
16 after the date of enactment of this subparagraph, publish
17 regulations pursuant to this paragraph for a contaminant
18 in lieu of sulfate if the Administrator determines that the
19 regulation of the contaminant in lieu of sulfate will result
20 in greater protection of public health.”.

21 **SEC. 5. SMALL PUBLIC WATER SYSTEMS.**

22 (a) IN GENERAL.—

23 (1) SMALL SYSTEM MANAGEMENT.—Section
24 1415 (42 U.S.C. 300g–4) is amended to read as fol-
25 lows:

1 **“SEC. 1415. SMALL PUBLIC WATER SYSTEMS.**

2 “(a) SMALL SYSTEM MANAGEMENT PLANS.—

3 “(1) IN GENERAL.—Each State with primary
4 enforcement responsibility pursuant to section 1413
5 shall, not later than October 1, 1997, and every 3
6 years thereafter, submit to the Administrator a
7 State drinking water supply plan for the effective
8 and coordinated management of public water sys-
9 tems that serve fewer than 3,300 individuals.

10 “(2) REQUIREMENTS FOR PLANS.—Each plan
11 submitted pursuant to this subsection shall, with re-
12 spect to public water systems that serve fewer than
13 3,300 individuals—

14 “(A) identify each system and describe the
15 characteristics of the system, including the
16 treatment provided to drinking water and any
17 protection of the drinking water source;

18 “(B) identify each system that has an ex-
19emption granted pursuant to section 1416;

20 “(C) describe projected population changes
21 in the service area of each system during the
22 20-year period beginning on the date of submis-
23 sion of the plan and identify each system for
24 which a substantially increased supply of water
25 or treatment of water will be needed;

1 “(D) establish criteria for identifying a
2 nonviable system and identify each system that
3 meets the criteria;

4 “(E) identify opportunities for physical
5 and administrative consolidation of systems to
6 improve drinking water quality and reduce user
7 cost, including a ranking of systems giving the
8 highest priority to the consolidation of
9 nonviable public water systems;

10 “(F) identify opportunities for the develop-
11 ment of alternative supplies of raw water;

12 “(G) establish criteria for assessing the fi-
13 nancial capability of systems for the purposes of
14 determining management options under para-
15 graph (6);

16 “(H) identify financing needs of systems
17 and assess the extent to which these needs will
18 be met by State loan funds established under
19 part H; and

20 “(I) identify opportunities for more cost-ef-
21 fective monitoring of drinking water, including
22 compositing of samples and testing by a State
23 laboratory.

24 “(3) IDENTIFICATION BY STATE.—On the basis
25 of the review and assessment of the status and con-

1 dition of small water systems pursuant to paragraph
2 (2), the State shall as part of the plan identify, for
3 each system that is in violation of (or is expected to
4 violate) a maximum contaminant level, 1 of the fol-
5 lowing management approaches:

6 “(A) Compliance with the maximum con-
7 taminant level, based on a finding that the sys-
8 tem has the financial and management capacity
9 to comply with the maximum contaminant level,
10 taking into account the availability of financial
11 assistance through a State drinking water loan
12 fund or the Rural Development Administration.

13 “(B) The development of an individualized
14 compliance program that implements consolida-
15 tion, alternative water supply, alternative small
16 system technology, or other system restructur-
17 ing pursuant to subsection (b).

18 “(4) RANK AND SCHEDULE FOR COMPLIANCE
19 PROGRAMS.—With respect to systems for which a
20 compliance program is to be developed, each State
21 plan shall—

22 “(A) rank systems, giving priority to sys-
23 tems with respect to which drinking water poses
24 the greatest threat to public health;

1 “(B) specify a schedule for the develop-
2 ment of not less than $\frac{1}{3}$ of compliance pro-
3 grams not later than the date that is 5 years
4 after the date of submittal of the plan; and

5 “(C) specify a schedule for the develop-
6 ment of all compliance programs not later than
7 the date that is 10 years after the date of sub-
8 mittal of the plan.

9 “(5) COMPLIANCE WITH MAXIMUM CONTAMI-
10 NANT LEVELS.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), each system that is required
13 to comply with a maximum contaminant level
14 shall comply by the date that is 3 years after
15 the date of approval of the plan submitted pur-
16 suant to this subsection.

17 “(B) REDUCED PERIOD OF COMPLI-
18 ANCE.—If the period of compliance established
19 under a drinking water regulation is less than
20 3 years, the period of compliance under sub-
21 paragraph (A) shall be the period specified in
22 the drinking water regulation.

23 “(6) PUBLIC HEARINGS CONCERNING PLANS.—
24 Each State shall provide for public review and com-
25 ment on plans submitted pursuant to this subsection

1 and shall, at a minimum, provide for a public hear-
2 ing on the plan not later than 90 days prior to the
3 submission of the plan to the Administrator.

4 “(7) REVIEW OF PLANS.—

5 “(A) IN GENERAL.—The Administrator
6 shall review each plan submitted pursuant to
7 this subsection. Not later than 90 days after re-
8 ceipt of the plan, the Administrator shall ap-
9 prove or disapprove the plan.

10 “(B) PLAN APPROVAL.—The Adminis-
11 trator shall approve a plan if the plan is con-
12 sistent with the requirements of the subsection.
13 If the Administrator disapproves a plan, the
14 disapproval shall specify necessary modifica-
15 tions or revisions to the plan. The State shall
16 make the modifications or revisions not later
17 than 30 days after receipt of notice of the dis-
18 approval.

19 “(C) FAILURE TO MODIFY PLAN.—If a
20 State fails to make modifications or revisions to
21 a plan pursuant to subparagraph (B), the Ad-
22 ministrator may withhold from the State from
23 funds made available to the State pursuant to
24 section 1484(a)(2), such sums as the Adminis-
25 trator determines to be appropriate.

1 “(D) The approval of a plan pursuant to
2 this paragraph shall not constitute a necessary
3 condition for consolidation of public water sys-
4 tems.

5 “(b) SMALL SYSTEM COMPLIANCE PROGRAMS.—

6 “(1) IN GENERAL.—Each State shall, in co-
7 operation with small public water systems identified
8 pursuant to subsection (a)(3)(B), develop compliance
9 programs for the systems to ensure the effective
10 management and operation of the systems.

11 “(2) GOALS FOR COMPLIANCE PROGRAMS.—

12 “(A) IN GENERAL.—Each compliance pro-
13 gram referred to in paragraph (1) shall provide
14 for compliance with maximum contaminant lev-
15 els to the maximum extent practicable.

16 “(B) SMALL SYSTEM TECHNOLOGY.—A
17 compliance program may provide for small sys-
18 tem technology identified in guidance issued
19 pursuant to section 1412(b)(13) if the tech-
20 nology provides the greatest degree of public
21 health protection consistent with the financial
22 and management capability of the system. In
23 determining the financial and management ca-
24 pability of a system, the appropriate official of
25 a State shall take into consideration the ex-

1 pected availability of financial assistance
2 through a State drinking water loan fund or the
3 Rural Development Administration and the cost
4 savings associated with reasonably available op-
5 portunities for physical or administrative con-
6 sultation.

7 “(C) PROHIBITION.—A compliance pro-
8 gram may not provide for small system tech-
9 nology that would result in an unreasonable
10 risk to public health.

11 “(3) REQUIREMENTS FOR COMPLIANCE PRO-
12 GRAMS.—Each compliance program developed by a
13 State for a small public water system pursuant to
14 this subsection shall—

15 “(A) describe the system characteristics,
16 source of raw water, service area, compliance
17 history, and financial condition;

18 “(B) identify options for the effective man-
19 agement and operation of the system includ-
20 ing—

21 “(i) the consolidation of the system in
22 physical or administrative terms;

23 “(ii) the development of alternative
24 sources of raw water; and

1 “(iii) the treatment of an existing or
2 alternative source of raw water, including
3 a treatment identified in small system
4 technology guidance;

5 “(C) identify measures needed to ensure
6 the long-term quality of a source of raw water;

7 “(D) identify administrative and manage-
8 ment requirements necessary to ensure the ef-
9 fective operation of the system;

10 “(E) select a final option from among op-
11 tions identified in subparagraph (B);

12 “(F) include a financial plan that is suffi-
13 cient to ensure the implementation of the com-
14 pliance program; and

15 “(G) include such engineering designs and
16 specifications as are necessary to commence the
17 implementation of the compliance program.

18 “(4) SCHEDULE FOR IMPLEMENTATION.—Each
19 compliance program developed pursuant to this sub-
20 section shall be implemented as expeditiously as
21 practicable, but not later than 3 years after the date
22 of submittal of the compliance program to the Ad-
23 ministrator.

24 “(5) PUBLIC PARTICIPATION.—Each State or
25 public water system shall provide for public partici-

1 pation in the development of a compliance program
2 under this subsection and shall, at a minimum, pro-
3 vide for a public hearing to hear comments on any
4 option selected pursuant to paragraph (3)(E).

5 “(6) REVIEW BY ADMINISTRATOR.—Each State
6 shall provide a copy of each compliance program to
7 the Administrator on completion of the program.
8 The Administrator may disapprove a compliance
9 program if the program is not consistent with the
10 requirements of this Act or poses an unreasonable
11 risk to public health. If the Administrator dis-
12 approves a compliance program for a public water
13 system, the system shall comply with maximum con-
14 taminant levels not later than 3 years after the date
15 of the disapproval.”.

16 (2) CONFORMING AMENDMENTS.—

17 (A) Section 1411 (42 U.S.C. 300g) is
18 amended by striking “sections 1415 and 1416”
19 and inserting “section 1416”.

20 (B) Section 1412(b) (42 U.S.C. 300g-
21 1(b)) is amended—

22 (i) in paragraph (7)(A), by striking “,
23 but the Administrator may grant a vari-
24 ance from any specified treatment tech-

1 nique in accordance with section
2 1415(a)(3)’’;

3 (ii) in paragraph (7)(C)(ii), by strik-
4 ing ‘‘In lieu of the provisions of section
5 1415 the’’ and inserting ‘‘The’’; and

6 (iii) in paragraph (8), by striking the
7 second and third sentences.

8 (C) Section 1448(b) (42 U.S.C. 300j-7(b))
9 is amended by striking ‘‘a variance or exemp-
10 tion under section 1415 or 1416’’ and inserting
11 ‘‘an exemption under section 1416’’.

12 (b) SMALL SYSTEM TECHNOLOGY GUIDANCE.—

13 (1) IN GENERAL.—Section 1412(b) (42 U.S.C.
14 300g1(b), as amended by section 4(c), is further
15 amended by adding at the end the following new
16 paragraph:

17 ‘‘(13)(A) At the same time as the Administrator pub-
18 lishes a national primary drinking water regulation pursu-
19 ant to this section, the Administrator shall publish guid-
20 ance describing various treatment technologies associated
21 with the contaminant that is the subject of regulations and
22 that are appropriate for systems serving fewer than 3,300
23 individuals.

24 ‘‘(B) The guidance published pursuant to this para-
25 graph shall identify the effectiveness of the technology, the

1 cost of the technology, and any other characteristics of
2 the technology that the Administrator determines to be
3 relevant. The Administrator shall include in the guidance
4 low-cost technologies and may include technologies that
5 may not result in attainment of a maximum contaminant
6 level.

7 “(C) The Administrator may not include in the guid-
8 ance published under this paragraph any technology that
9 would pose an unreasonable risk to public health.”.

10 (2) EXISTING REGULATIONS.—Not later than 2
11 years after the date of enactment of this Act, the
12 Administrator of the Environmental Protection
13 Agency shall issue small system technology guidance
14 for contaminants regulated by drinking water regu-
15 lations published at 54 Fed. Reg. 27486 on June
16 29, 1989, 56 Fed. Reg. 3526 on January 30, 1991,
17 56 Fed. Reg. 30266 on July 1, 1991, and 57 Fed.
18 Reg. 31776 on July 17, 1992, under title XIV of the
19 Public Health Service Act (42 U.S.C. 300f et seq.).

20 (3) EXTENSIONS.—

21 (A) IN GENERAL.—Notwithstanding any
22 other provision of law, no public water system
23 serving fewer than 3,300 individuals shall be re-
24 quired to comply with any maximum contami-
25 nant level or treatment technology specified in

1 a regulation identified in paragraph (2) until
2 the date that is—

3 (i) the termination date of the compli-
4 ance period established in State small sys-
5 tem management plan developed pursuant
6 to section 1415(a)(5) of title XIV of the
7 Public Health Service Act (as amended by
8 section 5); or

9 (ii) the end of the compliance period
10 established in a small system compliance
11 program pursuant to section 1415(b)(4) of
12 such title (as amended by section 5).

13 (B) EXCEPTION TO EXTENSION.—The ex-
14 tension provided by subparagraph (A) shall not
15 apply to any public water system that—

16 (i) is in compliance with a maximum
17 contaminant level;

18 (ii) has installed treatment technology
19 to comply with a maximum contaminant
20 level; or

21 (iii) is subject to a court order to com-
22 ply with a maximum contaminant level.

23 (C) ADDITIONAL EXCEPTION.—The exten-
24 sion provided by subparagraph (A) shall not
25 apply to any contaminant addressed in the reg-

1 ulations referred to in paragraph (2) (except for
2 the regulations referred to in subparagraph
3 (D)) if the contaminant was regulated prior to
4 1986.

5 (D) APPLICABILITY OF REGULATIONS.—In
6 the case of regulations published at 54 Fed.
7 Reg. 27486 on June 29, 1989, the extension
8 provided by subparagraph (A) shall only apply
9 to noncommunity public water systems.

10 **SEC. 6. ENFORCEMENT OF DRINKING WATER REGULA-**
11 **TIONS.**

12 (a) IN GENERAL.—Part G of the title (as amended
13 by section 3) is further amended to read as follows:

14 **“PART G—ENFORCEMENT**
15 **“SEC. 1471. PROTECTION OF PUBLIC WATER SYSTEMS AND**
16 **GENERAL PROHIBITION OF CONTAMINATION**
17 **OF DRINKING WATER SOURCES.**

18 “(a) GENERAL PROHIBITION ON CONTAMINATION.—
19 Notwithstanding any other provision of this title, the fail-
20 ure to comply with any applicable requirement of this
21 title, any regulation promulgated pursuant to part B or
22 E, or any requirement imposed pursuant to part B or E
23 shall be unlawful.

24 “(b) DEFINITION.—As used in this part, the term
25 ‘applicable requirement of this title’ means—

1 “(1) a requirement of section 1412, 1414,
2 1415, 1416, 1417, 1419, 1428, 1445, 1447, 1463,
3 1464, or 1471;

4 “(2) a regulation promulgated pursuant to a
5 section referred to in clause (i);

6 “(3) a requirement imposed pursuant to a sec-
7 tion referred to in clause (i); or

8 “(4) any requirement of, or permit issued,
9 under—

10 “(A) an applicable State program for
11 which the Administrator has made a determina-
12 tion that the requirements of section 1413 have
13 been satisfied; or

14 “(B) an applicable State program approved
15 pursuant to any other provision of part B.

16 **“SEC. 1472. CIVIL ENFORCEMENT.**

17 “(a) IN GENERAL.—

18 “(1) ACTIONS BY THE ADMINISTRATOR.—
19 Whenever, on the basis of any information available
20 to the Administrator, the Administrator finds that
21 any person—

22 “(A) has violated any applicable require-
23 ment of this title; or

24 “(B) has failed to comply with any order
25 issued under part B by the Administrator or by

1 a State with primary enforcement authority
2 pursuant to section 1413 or by a State pursu-
3 ant to a program approved pursuant to any
4 other provision of part B,

5 the Administrator shall issue an order requiring the
6 person to comply with the requirement, regulation,
7 schedule, permit or State order pursuant to this sub-
8 section, issue a penalty order assessing an adminis-
9 trative penalty pursuant to subsection (c), commence
10 a civil action in accordance with subsection (d), or
11 notify the person and the State of the finding.

12 “(2) ORDERS.—If, during the period beginning
13 on the date that is 31 days after the Administrator
14 provides notice to the State of the finding the State
15 has not commenced appropriate enforcement action,
16 the Administrator shall—

17 “(A) issue an order requiring the person to
18 comply with the requirement, regulation, sched-
19 ule, or permit pursuant to this subsection;

20 “(B) issue a penalty order proposing an
21 administrative penalty pursuant to subsection
22 (c); or

23 “(C) or commence a civil action in accord-
24 ance with subsection (d).

1 “(3) COMPLIANCE.—Compliance with a require-
 2 ment of a small system compliance program carried
 3 out pursuant to section 1415(b), an exemption is-
 4 sued pursuant to section 1416, or any schedule or
 5 requirement imposed pursuant to section 1415(b) or
 6 1416 shall, for the purposes of this section, be con-
 7 sidered as compliance with section 1412.

8 “(b) ADMINISTRATIVE COMPLIANCE ORDERS.—

9 “(1) SERVICE.—If a compliance order or notice
 10 under subsection (a) is issued to a corporation, a
 11 copy of the compliance order or notice shall be
 12 served on any appropriate corporate officers.

13 “(2) REQUIREMENTS.—A compliance order is-
 14 sued under subsection (a) shall—

15 “(A) be served by personal service;

16 “(B) state with reasonable specificity the
 17 nature of the violation; and

18 “(C) specify a reasonable time for compli-
 19 ance that takes into account the nature of the
 20 violation.

21 “(c) ADMINISTRATIVE PENALTY ORDERS.—

22 “(1) VIOLATIONS.—

23 “(A) IN GENERAL.—If the Administrator
 24 makes a finding pursuant to subsection (a) that
 25 a person (other than a Federal agency) has vio-

1 lated a requirement referred to in subsection
2 (a)(1)(A) or has failed to comply with an order
3 referred to in subsection (a)(1)(B), the Admin-
4 istrator may issue a penalty order assessing a
5 class I civil penalty or a class II civil penalty
6 under this subsection against the person.

7 “(B) CLASS II CIVIL PENALTY.—If the Ad-
8 ministrator makes a finding pursuant to sub-
9 section (a), that a Federal agency has violated
10 a requirement referred to in subsection
11 (a)(1)(A) or has failed to comply with an order
12 referred to in subsection (a)(1)(B), the Admin-
13 istrator may issue a penalty order assessing a
14 class II civil penalty under this subsection
15 against the Federal agency.

16 “(C) CLASS I ASSESSMENT PROCE-
17 DURES.—Before issuing an order assessing a
18 class I civil penalty under this subsection, the
19 Administrator shall provide the person to be as-
20 sessed the penalty with written notice of the
21 proposal of the Administrator to issue the order
22 and the opportunity to, not later than 30 days
23 after the date of receipt of the notice, request
24 a hearing on the proposed order. The hearing
25 shall not be subject to sections 555 and 556 of

1 title 5, United States Code. The hearing shall
2 provide a reasonable opportunity for the person
3 to be heard and present evidence.

4 “(D) CLASS II ASSESSMENT PROCE-
5 DURES.—

6 “(i) IN GENERAL.—Before issuing an
7 order assessing a class II civil penalty
8 under this subsection, the Administrator
9 shall—

10 “(I) act in the same manner for,
11 an in accordance with the same provi-
12 sions of law applicable to, the assess-
13 ment and collection of civil penalties
14 after notice and opportunity for a
15 hearing on the record in accordance
16 with section 554 of title 5, United
17 States Code;

18 “(II) provide public notice of,
19 and reasonable opportunity to com-
20 ment on, the proposal to issue the
21 order; and

22 “(III) in the case of a request for
23 a hearing by the appropriate official
24 of a Federal agency that is the subject

1 of a proposed penalty order, give
2 prompt public notice of the request.

3 “(ii) PROCEDURES.—The Adminis-
4 trator may issue rules for discovery proce-
5 dures in class II hearings under this sub-
6 section. Any person who comments on a
7 proposed assessment of a class II penalty
8 under this subsection shall be given notice
9 of any hearing held under this section and
10 of the order assessing the penalty. In any
11 hearing concerning a class II penalty held
12 pursuant to this subsection, the person
13 shall be provided a reasonable opportunity
14 to be heard and present evidence.

15 “(2) CLASSES OF PENALTIES.—

16 “(A) CLASS I.—A class I civil penalty as-
17 sessed under paragraph (1) shall be in an
18 amount not to exceed \$10,000 per day per vio-
19 lation, except that the maximum amount of a
20 class I civil penalty referred to in the preceding
21 sentence shall not exceed \$25,000. A class I
22 penalty order issued pursuant to subsection (c),
23 other than an order issued upon consent, shall
24 become final not later than 30 days after the
25 order is issued. An order issued upon consent

1 pursuant to this subsection shall become final
2 on the issuance of the order.

3 “(B) CLASS II.—A class II civil penalty as-
4 sessed under paragraph (1) shall be in an
5 amount not to exceed \$10,000 per day per vio-
6 lation, except that the maximum amount of a
7 class II civil penalty assessed under paragraph
8 (1) shall not exceed \$200,000. A class II pen-
9 alty order issued pursuant to subsection (c),
10 other than an order issued upon consent, shall
11 become final unless, not later than 30 days
12 after the order is issued along with written no-
13 tice of an opportunity to request a hearing, the
14 person who is the subject of the order requests
15 a hearing.

16 “(3) DETERMINING AMOUNT.—In determining
17 the amount of a penalty assessed under this sub-
18 section, the Administrator shall take into account
19 the seriousness of each violation, the economic bene-
20 fit (if any) resulting from the violation, any history
21 of similar violations including violations that are not
22 part of the then current action, any good-faith ef-
23 forts to comply with applicable requirements before
24 the initiation of the action, the economic impact of

1 the penalty on the violator, and such other matters
2 as justice may require.

3 “(4) EFFECT OF ORDER.—

4 “(A) LIMITATION ON ACTIONS UNDER
5 OTHER SECTIONS.—An action taken by the Ad-
6 ministrator under this subsection shall not af-
7 fect or limit the authority of the Administrator
8 to carry out the enforcement of this title; except
9 that any violation—

10 “(i) with respect to which the Admin-
11 istrator has commenced and is diligently
12 prosecuting a penalty action under this
13 subsection; or

14 “(ii) for which the Administrator has
15 issued a final order not subject to further
16 judicial review and the violator has paid a
17 penalty assessed under this subsection,
18 shall not also be the subject of a civil penalty
19 action under subsection (d) or, in the case of a
20 class II civil penalty, under section 1449.

21 “(B) APPLICABILITY OF LIMITATION WITH
22 RESPECT TO CITIZEN SUITS.—The limitations
23 described in subparagraph (A) concerning civil
24 penalty actions carried out pursuant to section

1 1449 shall not apply with respect to any viola-
2 tion with respect to which—

3 “(i) a civil action under section 1449
4 has been filed prior to commencement of a
5 penalty action under this subsection, or

6 “(ii) notice of an alleged violation of
7 this title has been given in accordance with
8 section 1449 prior to the commencement of
9 an action carried out pursuant to this sub-
10 section and an action is filed pursuant to
11 section 1449 with respect to the alleged
12 violation before the date that is 120 days
13 after the date that the notice is given.

14 “(5) EFFECT OF ACTION ON COMPLIANCE.—No
15 action by the Administrator under this subsection
16 shall affect the obligation of any person to comply
17 with—

18 “(A) any requirement of section 1471 or
19 any other provision of this title;

20 “(B) any regulation promulgated pursuant
21 to this title;

22 “(C) any schedule or other requirement
23 imposed pursuant to this title; and

24 “(D) any requirement of or permit issued
25 under—

1 “(i) an applicable State program for
2 which the Administrator has made a deter-
3 mination that the requirements of section
4 1413 are satisfied; or

5 “(ii) an applicable State program ap-
6 proved pursuant to any other provision of
7 this title or any order issued by the Ad-
8 ministrator pursuant to this title.

9 “(6) JUDICIAL REVIEW.—

10 “(A) IN GENERAL.—Any person against
11 whom a penalty order is issued under this sub-
12 section, except upon consent, may obtain review
13 of the order—

14 “(i) in the case of the assessment of
15 a class I civil penalty, in the United States
16 District Court for the District of Columbia
17 Circuit or in the district court in the dis-
18 trict in which the violation is alleged to
19 have occurred; or

20 “(ii) in the case of the assessment of
21 a class II civil penalty, in the United
22 States Court of Appeals for the District of
23 Columbia Circuit or for any other circuit
24 in which the person resides or transacts
25 business,

1 by filing a notice of appeal with the court dur-
2 ing the 30-day period beginning on the date the
3 penalty order becomes final and simultaneously
4 sending a copy of the notice by certified mail to
5 the Administrator and the Attorney General.
6 The Administrator shall promptly file in such
7 court a certified copy of the record on which the
8 order was issued. The court shall not set aside
9 or remand the order unless the court finds that
10 there is not substantial evidence in the record,
11 taken as a whole, to support the finding of a
12 violation or that the assessment by the Admin-
13 istrator of the penalty constitutes an abuse of
14 discretion. The court may not impose an addi-
15 tional civil penalty for the violation that is the
16 subject of the assessment by the Administrator
17 unless the court finds that the assessment con-
18 stitutes an abuse of discretion by the Adminis-
19 trator.

20 “(B) JUDICIAL REVIEW.—Notwithstanding
21 section 1448(a)(2), a class I penalty order is-
22 sued under subsection (c) shall be subject to ju-
23 dicial review only under subparagraph (A)(i).

24 “(7) COLLECTION.—If any person fails to pay
25 an assessment of a civil penalty—

1 “(A) after the order making the assess-
2 ment has become final, or

3 “(B) after an action brought under para-
4 graph (6) a court has entered a final judgment
5 in favor of the Administrator,
6 the Administrator shall request the Attorney General
7 to bring a civil action in an appropriate district
8 court to recover the amount assessed (plus interest
9 at currently prevailing rates from the date of the
10 final order or the date of the final judgment, as the
11 case may be). In the action, the validity, amount,
12 and appropriateness of the penalty shall not be sub-
13 ject to judicial review.

14 “(8) SUBPOENAS.—The Administrator may, in
15 connection with administrative proceedings under
16 this subsection or in connection with investigations
17 conducted pursuant to this title, issue subpoenas for
18 the attendance and testimony of witnesses and the
19 production of relevant papers, books, or documents.
20 In case of contumacy or refusal to obey a subpoena
21 issued pursuant to this paragraph and served to any
22 person, the district court of the United States for
23 any district in which the person is found, resides, or
24 transacts business, on application by the United
25 States and after notice to the person, shall have ju-

1 jurisdiction to issue an order requiring the person to
2 appear and give testimony before an administrative
3 law judge or the Administrator or to appear and
4 produce documents before an administrative law
5 judge or the Administrator (or both). A failure to
6 obey an order of the court issued pursuant to the
7 preceding sentence may be punished by the court as
8 a contempt of the court.

9 “(d) CIVIL ACTIONS.—

10 “(1) IN GENERAL.—A civil action commenced
11 by the Administrator pursuant to this section shall
12 be for appropriate relief, including a permanent or
13 temporary injunction against any person who—

14 “(A) has violated any applicable require-
15 ment of this title; or

16 “(B) has failed to comply with any order
17 issued under this title by the Administrator or
18 by a State with primary enforcement authority
19 pursuant to section 1413.

20 “(2) JURISDICTION.—An action under this sub-
21 section may be brought in the district court of the
22 United States for the district in which the defendant
23 is located, resides, or is doing business, and the
24 court shall have jurisdiction to restrain any applica-
25 ble violation and to require compliance with a re-

1 requirement referred to in subparagraph (A). The
2 court may enter such judgment as the protection of
3 public health requires.

4 “(3) PENALTIES.—Any person who—

5 “(A) has violated any applicable require-
6 ment of this title; or

7 “(B) has failed to comply with any order
8 issued under this title by the Administrator or
9 by a State with primary enforcement authority
10 pursuant to section 1413,

11 shall be subject to a civil judicial penalty in an
12 amount not to exceed \$25,000 per day for each vio-
13 lation.

14 “(4) DETERMINATION OF AMOUNT OF PEN-
15 ALTY.—In determining the amount of a civil penalty
16 assessed pursuant to paragraph (3), the court shall
17 consider the seriousness of each violation, the eco-
18 nomic benefit (if any) resulting from the violation,
19 any history of similar violations including violations
20 that are not part of the then current action, any
21 good-faith efforts to comply with applicable require-
22 ments before the initiation of the civil action, the
23 economic impact of the penalty on the violator, and
24 such other matters as justice may require.

1 “(e) STATUTORY CONSTRUCTION.—Nothing in this
2 section is intended to be construed to limit the authority
3 of the Administrator to take enforcement action against
4 a Federal agency under any other provision of this title.

5 **“SEC. 1473. CRIMINAL ENFORCEMENT.**

6 “(a) NEGLIGENT VIOLATIONS.—Any person who neg-
7 ligently violates any applicable requirement of this title
8 shall, upon conviction, be punished by a fine or imprison-
9 ment for a period of not more than 1 year (or both), as
10 provided in title 18, United States Code.

11 “(b) KNOWING VIOLATIONS.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), any person who knowingly—

14 “(A) violates any applicable requirement of
15 this title; or

16 “(B) has failed to comply with any order
17 issued pursuant to section 1431,

18 shall, upon conviction, be punished by a fine or im-
19 prisonment for a period of not more than 5 years (or
20 both), as provided in title 18, United States Code.

21 “(2) MULTIPLE CONVICTIONS.—With respect to
22 a violation committed by a person after a first con-
23 viction of the person for any violation specified in
24 paragraph (1), the maximum punishment for the
25 person upon conviction shall be doubled with respect

1 to the amount of a fine and the length of imprison-
2 ment.

3 “(c) KNOWING ENDANGERMENT.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), a person who knowingly—

6 “(A) violates any applicable requirement of
7 this title;

8 “(B) fails to comply with any order issued
9 pursuant to section 1431; and

10 “(C) in the course or connection with the
11 act of the violation places any other person in
12 imminent danger of death or serious bodily in-
13 jury,

14 shall, upon conviction, be punished by a fine or im-
15 prisonment for a period of not more than 15 years
16 (or both), as provided in title 18, United States
17 Code.

18 “(2) ADDITIONAL PROVISIONS.—

19 “(A) KNOWING CONDUCT.—For the pur-
20 poses of this subsection—

21 “(i) in determining whether a defend-
22 ant who is an individual knew that the
23 conduct of the defendant placed another
24 person in imminent danger of death or se-
25 rious bodily injury—

1 “(I) the defendant is responsible
2 only for actual awareness or actual
3 belief that the defendant possessed;
4 and

5 “(II) knowledge possessed by a
6 person other than the defendant but
7 not by the defendant may not be at-
8 tributed to the defendant,
9 except that in proving the possession by
10 the defendant of actual knowledge, cir-
11 cumstantial evidence may be used, includ-
12 ing evidence that the defendant took af-
13 firmative steps to shield the defendant
14 from relevant information; and

15 “(ii) it is an affirmative defense to
16 prosecution that the conduct charged was
17 consented to by the person endangered and
18 that the danger and conduct charged were
19 reasonably foreseeable hazards of—

20 “(I) an occupation, a business, or
21 a profession; or

22 “(II) medical treatment or medi-
23 cal or scientific experimentation con-
24 ducted by professionally approved
25 methods and such other person had

1 been made aware of the risks involved
2 prior to giving consent.

3 “(B) PREPONDERANCE OF EVIDENCE.—A
4 defense referred to in subparagraph (A)(ii) may
5 be established pursuant to subparagraph (A) by
6 a preponderance of the evidence.

7 “(C) DEFINITIONS.—As used in this sub-
8 section:

9 “(i) IMMINENT DANGER.—The term
10 ‘imminent danger’ means the existence of a
11 condition or combination of conditions that
12 could reasonably be expected to cause
13 death or serious bodily injury unless the
14 condition (or combination of conditions) is
15 remedied.

16 “(ii) SERIOUS BODILY INJURY.—The
17 term ‘serious bodily injury’ means bodily
18 injury that involves a substantial risk of
19 death, unconsciousness, extreme physical
20 pain, protracted and obvious disfigure-
21 ment, or protracted loss or impairment of
22 the function of a bodily member, organ, or
23 mental faculty.

24 “(d) FALSE STATEMENTS; MONITORING.—

1 “(1) IN GENERAL.—Any person who know-
2 ingly—

3 “(A) makes any false material statement,
4 representation, or certification in, or omits ma-
5 terial information from, or knowingly alters,
6 conceals, or fails to file any notice, application,
7 record, report, plan, or other document filed or
8 required to be maintained pursuant to part B
9 or E (regardless of whether the Administrator
10 or a State enforces the requirements);

11 “(B) fails to make a report required under
12 part B or E; or

13 “(C) falsifies, tampers with, renders inac-
14 curate, fails to install, maintain, or utilize any
15 monitoring device or monitoring or treatment
16 method required to be maintained or carried
17 under part B or E (including any regulation or
18 order issued by the Administrator or any State
19 pursuant to this title),

20 shall, upon conviction, be punished by a fine or im-
21 prisonment for a period of not more than 2 years (or
22 both), as provided in title 18, United States Code.

23 “(2) MULTIPLE CONVICTIONS.—With respect to
24 a violation committed by a person after a first con-
25 viction of the person for any violation of part B or

1 E, the maximum punishment specified in paragraph
2 (1) shall be doubled with respect to the amount of
3 a fine and the length of imprisonment. With respect
4 to a violation committed by a person who carries out
5 an illegal activity that is punishable under this sec-
6 tion with respect to which the purpose is to conceal
7 or cover up a violation of part B or E, the maximum
8 punishment specified in paragraph (1) shall be dou-
9 bled with respect to the amount of a fine and the
10 length of imprisonment.

11 **“SEC. 1474. EFFECT OF ENFORCEMENT ACTION ON COMPLI-**
12 **ANCE WITH OTHER APPLICABLE LAWS AND**
13 **REGULATIONS.**

14 “No action by the Administrator or any other official
15 of the Federal Government pursuant to this title is in-
16 tended to have any effect on the obligation of any person
17 to comply with each law (including each regulation), per-
18 mit term, or other requirement that applies to the person
19 pursuant to Federal law.

20 **“SEC. 1475. STATE AUTHORITY TO ADOPT OR ENFORCE**
21 **LAWS.**

22 “Nothing in this title is intended to diminish any au-
23 thority of a State or political subdivision of a State to
24 adopt or enforce any law (including any regulation) con-
25 cerning drinking water regulation or public water systems,

1 except that no State or local law referred to in this section
2 may relieve any person of any requirement that is applica-
3 ble to the person under this title.

4 **“SEC. 1476. CONSOLIDATION INCENTIVE.**

5 “(a) IN GENERAL.—An owner or operator of a public
6 water system may submit to the State in which the system
7 is located (if the State has primary enforcement respon-
8 sibility pursuant to section 1413) or to the Administrator
9 (if the State does not have primary enforcement respon-
10 sibility) a plan for—

11 “(1) the physical consolidation of the system
12 with 1 or more other systems;

13 “(2) the consolidation of significant manage-
14 ment and administrative functions of the system
15 with 1 or more other systems; or

16 “(3) the transfer of ownership of the system to
17 a private entity that may reasonably be expected to
18 improve drinking water quality.

19 “(b) REQUIREMENTS FOR PLANS.—A plan submitted
20 pursuant to this subsection shall—

21 “(1) specify a schedule of steps related to the
22 consolidation or transfer of ownership that shall be
23 completed not later than 2 years after the date of
24 submission of the plan;

1 “(2) describe such measures as are necessary to
2 ensure that the public water system will consistently
3 meet the requirements of this Act; and

4 “(3) describe any then current violation or any
5 anticipated future violation of this Act.

6 “(c) REVIEW OF PLAN.—

7 “(1) IN GENERAL.—The State shall review a
8 plan submitted pursuant to this subsection and shall
9 approve each plan that is consistent with the re-
10 quirements of this Act.

11 “(2) APPROVAL BY ADMINISTRATOR.—The
12 State shall provide an approved plan to the Adminis-
13 trator. The plan shall be considered to be approved
14 by the Administrator unless the Administrator dis-
15 approves the plan not later than 90 days after re-
16 ceiving the plan.

17 “(3) WITHDRAWAL OF APPROVAL.—The State
18 or the Administrator may withdraw the approval of
19 a plan on the basis of a substantial failure by an
20 owner or operator to comply with a schedule estab-
21 lished under paragraph (2).

22 “(d) CONSEQUENCES OF APPROVAL.—If the State
23 and the Administrator have approved a plan pursuant to
24 subsection (c)—

1 “(1) no enforcement action conducted pursuant
 2 to this part shall be commenced prior to the comple-
 3 tion date specified in the schedule established pursu-
 4 ant to subsection (b)(1); and

5 “(2) any violation identified in the approved
 6 plan shall not be the subject of an enforcement ac-
 7 tion conducted pursuant to this part prior to termi-
 8 nation of the schedule.”.

9 (b) PUBLIC NOTICE AND NOTICE TO STATE.—Sec-
 10 tion 1414 (42 U.S.C. 300g-3) is amended—

11 (1) by striking subsections (a) and (b);

12 (2) by redesignating subsection (c) as sub-
 13 section (a);

14 (3) in subsection (a) (as so redesignated)—

15 (A) in the first sentence—

16 (i) in paragraph (1), by redesignating
 17 subparagraphs (A) and (B) as clauses (i)
 18 and (ii), respectively;

19 (ii) in paragraph (2), by redesignating
 20 subparagraphs (A) and (B) as clauses (i)
 21 and (ii), respectively;

22 (iii) by redesignating paragraphs (1)
 23 and (2) as subparagraphs (A) and (B), re-
 24 spectively; and

1 (iv) by inserting “(1)” after “(c)”;

2 and

3 (B) by striking the second sentence and all
4 that follows through the end of the subsection
5 and inserting the following new paragraph:

6 “(2)(A) The Administrator shall, by regulation,
7 prescribe the form, manner, and frequency for giving no-
8 tice under this subsection.

9 “(B) Regulations issued under this subsection shall
10 specify notification procedures for each violation that has
11 the potential to cause serious adverse effects on human
12 health. Each notice of a violation provided under this sub-
13 paragraph shall—

14 “(i) be distributed as soon as practicable after
15 the violation, but not later than 24 hours after the
16 violation;

17 “(ii) be provided to appropriate broadcast
18 media;

19 “(iii) be published in a newspaper of general
20 circulation serving the area not later than 1 day
21 after the distribution of a notice pursuant to clause
22 (i), or the date of publication of the next issue of the
23 newspaper;

24 “(iv) provide a clear and readily understandable
25 explanation of—

1 “(I) the violation;

2 “(II) any potential adverse effects on
3 human health;

4 “(III) the steps that the public water sys-
5 tem is taking to correct the violation; and

6 “(IV) the necessity of seeking alternative
7 water supplies until the violation is corrected;
8 and

9 “(v) be provided to the State agency that has
10 primary enforcement responsibility pursuant to sec-
11 tion 1413 and to the Administrator.

12 “(C) Notice of violations other than violations identi-
13 fied under subparagraph (B) shall be—

14 “(i) provided not less frequently than annually
15 and published in a newspaper of general circulation
16 serving the area; and

17 “(ii) provided to the State agency that has pri-
18 mary enforcement responsibility pursuant to section
19 1413 and to the Administrator.

20 “(D) Not later than January 1, 1996, and annually
21 thereafter, each State that has primary enforcement re-
22 sponsibility pursuant to section 1413 shall publish an an-
23 nual report on public water system compliance in the State
24 and submit the report to the Administrator.

1 “(E) Not later than July 1, 1996, and annually
2 thereafter, the Administrator shall submit to Congress an
3 annual report summarizing and evaluating reports submit-
4 ted by States pursuant to subparagraph (D) and making
5 recommendations concerning the resources needed to im-
6 prove compliance with this title.”;

7 (4) by redesignating subsection (d) as sub-
8 section (b); and

9 (5) by striking subsections (e) through (g).

10 (c) TECHNICAL AMENDMENTS.—

11 (1) Section 1416(b)(3) is amended by striking
12 “1414” and inserting “1472 or 1473”.

13 (2) Section 1463 (42 U.S.C. 300j-23) is
14 amended by striking subsections (c) and (d).

15 (3) Section 1441 (42 U.S.C. 300j) is amend-
16 ed—

17 (A) by striking subsection (e); and

18 (B) by redesignating subsection (f) as sub-
19 section (e).

20 (d) STATUTORY CONSTRUCTION.—Nothing in this
21 section is intended to alter any administrative proceedings
22 for enforcement (including administrative proceedings for
23 the issuance and enforcement of orders) initiated before
24 the date of enactment of this section (including the proce-

1 dures applicable to the enforcement proceedings in effect
 2 on the day before the date of enactment of this section).

3 **SEC. 7. CONTROL OF LEAD IN DRINKING WATER.**

4 (a) FITTINGS AND FIXTURES.—Section 1417 (42
 5 U.S.C. 300g–6) is amended by adding at the end the fol-
 6 lowing new subsection:

7 “(e) LEAD PLUMBING FITTINGS AND FIXTURES.—

8 “(1) IN GENERAL.—Not later than 2 years
 9 after the date of enactment of this subsection, the
 10 Administrator shall issue regulations to establish a
 11 health-effects based performance standard that es-
 12 tablishes minimal leaching levels of lead from new
 13 plumbing pipes, fittings, and fixtures that convey
 14 drinking water.

15 “(2) CONSEQUENCES OF FAILURE TO MEET RE-
 16 QUIREMENTS.—If the requirements of paragraph (1)
 17 are not met—

18 “(A) by the date that is 4 years after the
 19 date of enactment of this subsection, no person
 20 may import, manufacture, process, or distribute
 21 in commerce a plumbing fitting or fixture that
 22 contains more than 7 percent lead by dry
 23 weight;

24 “(B) by the date that is 5 years after the
 25 date of enactment of this subsection, no person

1 may import, manufacture, process, or distribute
2 in commerce a plumbing fitting or fixture that
3 contains more than 6 percent lead by dry
4 weight;

5 “(C) by the date that is 6 years after the
6 date of enactment of this subsection, no person
7 may import, manufacture, process, or distribute
8 in commerce a plumbing fitting or fixture that
9 contains more than 5 percent lead by dry
10 weight; or

11 “(D) by the date that is 7 years after the
12 date of enactment of this subsection, no person
13 may import, manufacture, process, or distribute
14 in commerce a plumbing fitting or fixture that
15 contains more than 4 percent lead by dry
16 weight.”.

17 (b) ENFORCEMENT.—Section 1417(a) (42 U.S.C.
18 300g-6(a)) is amended—

19 (1) in paragraph (1)—

20 (A) in the matter preceding subparagraph

21 (A)—

22 (i) by striking “Any” and inserting

23 “No person shall use any”; and

24 (ii) by striking “which is used”; and

1 (B) in the matter following subparagraph
 2 (B), by striking “shall be” and inserting “which
 3 is not”; and

4 (2) in paragraph (2)(A), by inserting after
 5 “Each” the following: “owner or operator of a”.

6 **SEC. 8. RADON IN DRINKING WATER AND INDOOR AIR.**

7 (a) RADON IN DRINKING WATER.—Part B (42
 8 U.S.C. 300g et seq.) is amended by adding at the end the
 9 following new section:

10 **“SEC. 1418. RADON IN DRINKING WATER.**

11 “(a) REGULATIONS FOR RADON IN DRINKING
 12 WATER.—Notwithstanding any other provision of this Act
 13 or any other Federal law, on the date that is 1 year after
 14 the date of enactment of this section, the Administrator
 15 shall promulgate national primary drinking water regula-
 16 tions for radon.

17 “(b) RADON STANDARD.—

18 “(1) MAXIMUM CONTAMINANT LEVEL.—The
 19 regulations promulgated pursuant to subsection (a)
 20 shall specify a maximum contaminant level goal and
 21 a maximum contaminant level determined pursuant
 22 to section 1412(b).

23 “(2) ALTERNATIVE PROGRAM.—Notwithstand-
 24 ing the requirements of section 1412(b), the regula-
 25 tions promulgated pursuant to subsection (a) shall—

1 “(A) specify an alternative contaminant
2 level that poses a health risk that is equivalent
3 to the health risk associated with the national
4 average radon level in outdoor air, taking into
5 consideration risks from inhalation, ingestion of
6 radon in drinking water, and episodic uses of
7 drinking water;

8 “(B) specify a period of compliance of 3
9 years; and

10 “(C) specify minimum conditions for alter-
11 native compliance programs carried out pursu-
12 ant to subsection (c).

13 “(c) ALTERNATIVE COMPLIANCE PROGRAMS.—

14 “(1) IN GENERAL.—A public water system may
15 comply with the alternative contaminant level speci-
16 fied in subsection (b)(2) if the system is—

17 “(A) implementing an alternative compli-
18 ance program approved pursuant to this sub-
19 section; or

20 “(B) located in a State that is implement-
21 ing a program to reduce radon in indoor air
22 and is receiving State grant assistance for the
23 program pursuant to section 306 of the Toxic
24 Substances Control Act (15 U.S.C. 2666).

25 “(2) PROGRAM SUBMITTAL AND REVIEW.—

1 “(A) SUBMITTAL OF PROGRAM.—The ap-
2 propriate official of a public water system re-
3 ferred to in paragraph (1) that proposes to
4 carry out an alternative compliance program re-
5 ferred to in such paragraph shall submit a pro-
6 gram to the State agency that has primary en-
7 forcement responsibility pursuant to section
8 1413 or another appropriate State agency des-
9 ignated by the Governor, not later than 18
10 months after the date of promulgation of the
11 regulations under subsection (a).

12 “(B) PUBLIC REVIEW AND COMMENT.—
13 The appropriate official of the public water sys-
14 tem shall provide opportunity for public review
15 and comment on the program prior to the sub-
16 mittal of the program to the State pursuant to
17 subparagraph (A) and shall provide to the State
18 a summary of public comments concerning the
19 program.

20 “(C) REVIEW BY STATE.—

21 “(i) IN GENERAL.—Not later than
22 180 days after the date of submittal of the
23 program, the appropriate official of the
24 State shall review and approve the pro-

1 gram if the program is consistent with the
2 requirements of this section.

3 “(ii) REVIEW BY ADMINISTRATOR.—
4 The Administrator shall, at the request of
5 a State, review and approve a program
6 submitted to the State pursuant to this
7 subparagraph.

8 “(3) EDUCATIONAL MATERIAL.—Each alter-
9 native compliance program referred to in paragraph
10 (1)(A) shall provide for the distribution to each resi-
11 dential customer, not later than 1 year after the ap-
12 proval by the State of the program and every 5
13 years thereafter, educational material concerning
14 radon that describes—

15 “(A) the health threats posed by radon;

16 “(B) the sources of radon (including soil
17 gas and drinking water);

18 “(C) the level of radon in the drinking
19 water provided by the public water system that
20 is the subject of the program;

21 “(D) measures to reduce the levels of
22 radon in the air indoors; and

23 “(E) radon testing and mitigation services
24 offered by—

25 “(i) the public water system; and

1 “(ii) persons who do business in the
2 service area and who are certified by the
3 Administrator as proficient in conducting
4 radon testing or mitigation.

5 “(4) TESTING FOR RADON IN INDOOR AIR.—

6 “(A) IN GENERAL.—Each alternative com-
7 pliance program referred to in paragraph
8 (1)(A) shall provide for testing of radon in in-
9 door air in not less than 50 percent of the resi-
10 dences of residential customers served by the
11 public water system as expeditiously as prac-
12 ticable, but not later than 5 years after the date
13 of approval of an alternative compliance pro-
14 gram pursuant to this subsection.

15 “(B) REQUIREMENT FOR TESTING.—Test-
16 ing for radon in indoor air conducted pursuant
17 to this paragraph shall be conducted by a per-
18 son certified as proficient in conducting testing
19 for radon in air by the Administrator.

20 “(5) NOTIFICATION.—Each public water system
21 with a program approved by a State under this sub-
22 section shall notify each person who is certified by
23 the Administrator as proficient in radon mitigation
24 and known to provide radon mitigation services in
25 the service area of the system of the approval of the

1 program, the service area of the system, and the ob-
2 ligation to report, pursuant to subsection (d), to the
3 public water system any radon mitigation projects in
4 the service area.

5 “(6) RADON NEW CONSTRUCTION STAND-
6 ARDS.—Each program developed pursuant to this
7 section shall include the adoption, prior to submittal
8 of the program, of enforceable mechanisms requiring
9 compliance with radon new home construction stand-
10 ards established by the Administrator pursuant to
11 section 304 of the Toxic Substances Control Act (15
12 U.S.C. 2664) for each new home to be served by the
13 public water system that is the subject of the pro-
14 gram beginning on the date that is 2 years after the
15 date of adoption of the mechanisms.

16 “(7) ASSESSMENT AND EVALUATION.—

17 “(A) SUBMITTAL OF ASSESSMENTS.—Each
18 public water system with a program approved
19 by a State pursuant to this subsection shall
20 provide an assessment and evaluation of pro-
21 gram implementation to the State not later
22 than 5 years after the date of approval of the
23 program, and every 5 years thereafter.

24 “(B) PROGRAM DISAPPROVAL.—In any
25 case in which a State or the Administrator de-

1 termines that a public water system has not
2 fully complied with the requirements of this
3 subsection, the State or the Administrator
4 shall—

5 “(i) notify the public water system of
6 the determination; and

7 “(ii) disapprove the alternative com-
8 pliance program not later than 1 year after
9 providing notice pursuant to clause (i), un-
10 less the system takes sufficient corrective
11 action.

12 “(C) COMPLIANCE.—A public water sys-
13 tem for which an alternative compliance pro-
14 gram is disapproved shall comply with the max-
15 imum contaminant level for radon (as deter-
16 mined by the regulations promulgated under
17 subsection (a)) not later than 3 years after the
18 date of disapproval by the Administrator.

19 “(8) ROLE OF STATE.—

20 “(A) PROGRAM RESPONSIBILITIES.—A
21 State may assume some or all of the respon-
22 sibilities of carrying out an alternative compli-
23 ance program approved pursuant to this sub-
24 section.

1 “(B) PROHIBITION.—No Federal grant as-
2 sistance provided to a State pursuant to title
3 III of the Toxic Substances Control Act (15
4 U.S.C. 2661 et seq.) may be used to carry out
5 alternative compliance programs for public
6 water systems.

7 “(d) NOTICE OF RADON MITIGATION.—

8 “(1) IN GENERAL.—Each person who is—

9 “(A) certified by the Administrator as pro-
10 ficient in radon mitigation; and

11 “(B) notified by a public water system
12 pursuant to subsection (c)(7),

13 shall provide the public water system with a notice
14 of any work conducted at a residence within the
15 service area of the public water system.

16 “(2) SUSPENSION OF CERTIFICATION.—If the
17 Administrator finds that a person who is certified by
18 the Administrator as proficient in radon mitigation
19 has failed to comply with this subsection, the Ad-
20 ministrator may suspend the certification of the per-
21 son.

22 “(e) REPORT.—

23 “(1) IN GENERAL.—Not later than 7 years
24 after the date of enactment of this subsection, the
25 Administrator shall submit a report to Congress that

1 assesses and evaluates the implementation of the
2 regulations promulgated pursuant to subsection (a).

3 “(2) CONTENTS OF REPORT.—The report
4 shall—

5 “(A) identify the number of public water
6 systems that are in violation of a maximum
7 contaminant level or alternative contaminant
8 level established pursuant to the regulations;

9 “(B) identify the number of programs of
10 public water systems approved by a State pur-
11 suant to this subsection and the number of
12 States receiving grant assistance under section
13 306 of the Toxic Substances Control Act (15
14 U.S.C. 2666);

15 “(C) evaluate the implementation of the
16 public water system and State programs; and

17 “(D) estimate the overall change in radon
18 exposure attained as a result of alternative
19 compliance programs and State radon pro-
20 grams.

21 “(f) RESIDENTIAL CUSTOMER DEFINED.—As used
22 in this section, the term ‘residential customer’ means a
23 customer of a public water system that occupies a resi-
24 dence other than an apartment located above the first
25 story of a building.”.

1 (b) RADON TESTING AT TIME OF HOME SALE.—

2 (1) IN GENERAL.—Title III of the Toxic Sub-
3 stances Control Act (15 U.S.C. 2661 et seq.) is
4 amended by adding at the end the following new sec-
5 tion:

6 **“SEC. 312. RADON TESTING AT TIME OF HOME SALE.**

7 “(a) PROHIBITION.—Notwithstanding any other pro-
8 vision of law, beginning on the date that is 60 days after
9 the date on which the Administrator issues regulations
10 pursuant to subsection (b), no Federal agency shall pro-
11 vide a loan, loan guarantee, or other financial assistance
12 relating to the financing of a residence located in an area
13 identified by the Administrator as a high-risk radon area
14 unless the sale of the residence is conducted in compliance
15 with the regulations issued pursuant to subsection (b).

16 “(b) REGULATIONS.—Not later than 2 years after
17 the date of enactment of this section, the Administrator
18 shall issue regulations requiring testing for radon in in-
19 door air at the time of sale of a residence located in a
20 high-risk radon area.

21 “(c) TESTING.—The regulations issued pursuant to
22 subsection (b) shall specify minimum standards and meth-
23 ods for radon tests and shall require that individuals con-
24 ducting testing and test devices be certified by the Admin-

1 istrator pursuant to section 305. The regulations shall
2 identify procedures to prevent tampering with test devices.

3 “(d) REPORTING.—The regulations issued pursuant
4 to subsection (b) shall require that, not later than 10 days
5 prior to the date of purchase of a residence, a person who
6 proposes to purchase the residence shall be provided
7 with—

8 “(1) the results of any radon test of the resi-
9 dence; and

10 “(2) background information on the health
11 threat posed by radon.

12 “(e) HIGH-RISK RADON AREAS.—The regulations
13 promulgated pursuant to subsection (b) shall describe
14 high-risk radon areas identified by the Administrator pur-
15 suant to this title.

16 “(f) RESIDENCES.—The regulations issued pursuant
17 to subsection (b) shall define the types of residential struc-
18 tures for which tests for radon are required.

19 “(g) EXISTING TEST.—The regulations issued pursu-
20 ant to subsection (b) shall provide that, in any case in
21 which a radon test has been conducted for a residence pur-
22 suant to the regulations, no additional retesting is re-
23 quired.

24 “(h) PREEXISTING TESTS.—The regulations issued
25 pursuant to subsection (b) shall provide that any radon

1 test conducted prior to the date of promulgation of the
2 regulations shall be considered to meet the requirements
3 of a test for radon for the purposes of the regulations if
4 the test was conducted in a manner that is substantially
5 comparable to a test conducted in accordance with the re-
6 quirements of subsection (c).

7 “(i) FEDERAL AGENCY DEFINED.—As used in this
8 section, the term ‘Federal agency’ means an Executive
9 agency, as defined in section 105 of title 5, United States
10 Code, and includes the Postal Service and any agency of
11 the legislative or judicial branch of the Federal Govern-
12 ment, and any federally chartered secondary mortgage in-
13 stitution.”.

14 (2) CONFORMING AMENDMENT.—The table of
15 contents in section 1 of the Toxic Substances Con-
16 trol Act (15 U.S.C. prec. 2601) is amended by in-
17 serting after the item relating to section 311 the fol-
18 lowing new item:

“Sec. 312. Radon testing at time of home sale.”.

19 **SEC. 9. POINT OF USE DEVICES.**

20 Part B (42 U.S.C. 300g et seq.), as amended by sec-
21 tion 8, is further amended by adding at the end the follow-
22 ing new section:

1 **“SEC. 1419. POINT OF USE DEVICES.**

2 “(a) IN GENERAL.—The Administrator shall estab-
3 lish a program to determine the effectiveness of water
4 treatment devices designed to—

5 “(1) remove contaminants installed in a resi-
6 dence at the point of water use; and

7 “(2) ensure that consumers are provided with
8 appropriate information about the devices at the
9 time of sale.

10 “(b) SUBMISSION OF INFORMATION BY MANUFAC-
11 TURERS.—Not later than 1 year after the date of enact-
12 ment of this section, the Administrator shall issue regula-
13 tions requiring each manufacturer of a water treatment
14 device intended to be installed at the point of water use
15 to submit to the Administrator such information on the
16 effectiveness and functions of the device as the Adminis-
17 trator determines is necessary to carry out this section.

18 “(c) PROVISION OF INFORMATION TO CONSUMERS.—
19 Not later than 3 years after the date of enactment of this
20 section, the Administrator shall issue regulations estab-
21 lishing minimum requirements for information to be pro-
22 vided to consumers prior to the purchase of water treat-
23 ment devices installed at the point of water use, includ-
24 ing—

1 “(1) the efficiency of removal of contaminants
2 or classes of contaminants, including the efficiency
3 of a device compared to other comparable devices;

4 “(2) the period of effectiveness of the device
5 and the rate of degradation of treatment efficiency,
6 if any; and

7 “(3) those contaminants for which the Adminis-
8 trator has published a national drinking water
9 standard under section 1412 that are not removed
10 from drinking water by the device.”.

11 **SEC. 10. DRINKING WATER SUPPLY PROTECTION.**

12 (a) IN GENERAL.—Section 1427 (42 U.S.C. 300h-
13 6) is amended—

14 (1) by striking the section heading and insert-
15 ing the following new section heading:

16 **“SEC. 1427. DRINKING WATER SUPPLY PROTECTION**
17 **AREAS.”;**

18 (2) by striking subsections (a) and (b) and in-
19 serting the following new subsections:

20 “(a) PURPOSE.—The purpose of this section is to
21 support and assist the establishment of programs for the
22 protection of water supply areas.

23 “(b) DEFINITION OF SUPPLY PROTECTION AREA.—
24 As used in this section, the term ‘water supply protection

1 area' means an area that contains ground water or surface
 2 water that—

3 “(1) is the principal source of supply to a pub-
 4 lic water system;

5 “(2) if contaminated, would create a significant
 6 hazard to public health; and

7 “(3) satisfies the criteria established pursuant
 8 to subsection (d).”;

9 (3) in subsection (c)—

10 (A) in the first sentence—

11 (i) by striking “State”;

12 (ii) by striking “critical aquifer” and
 13 inserting “water supply”; and

14 (iii) by striking “selection of such
 15 area for a demonstration program” and in-
 16 serting “approval of an application for the
 17 designation of the area”; and

18 (B) by striking the last sentence;

19 (4) in subsection (d)—

20 (A) in the matter preceding paragraph (1),
 21 by striking “1986” and inserting “1993”;

22 (B) by striking “critical aquifer” each
 23 place it appears and inserting “water supply”;

24 (C) by striking “aquifer” each place it ap-
 25 pears and inserting “water supply”; and

1 (D) by striking “ground” each place it ap-
2 pears;

3 (5) in subsection (e)—

4 (A) by striking “demonstration”;

5 (B) in paragraph (1), by striking “critical
6 aquifer” and inserting “water supply”; and

7 (C) by striking “critical” each place it ap-
8 pears;

9 (6) in subsection (f)—

10 (A) by striking “ground” each place it ap-
11 pears and inserting “drinking”;

12 (B) by striking “underground” each place
13 it appears;

14 (C) by striking “critical” each place it ap-
15 pears; and

16 (D) by adding at the end of the subsection
17 the following new paragraph:

18 “(3) A comprehensive management plan devel-
19 oped pursuant to this subsection may also propose
20 modifications of otherwise applicable monitoring re-
21 quirements of national primary drinking water regu-
22 lations. Any proposal made in the plan for alter-
23 native monitoring requirements shall identify specific
24 pollution prevention measures to be implemented
25 that allow for an alternative monitoring program.”;

1 (7) by striking subsection (g) and inserting the
2 following new subsection:

3 “(g) ACTIVITIES INVOLVING FEDERAL AGENCIES.—

4 “(1) FEDERAL AGENCY ACTIVITIES.—In the
5 case of a water supply protection area within a State
6 for which an application is approved pursuant to
7 subsection (i), each activity or development project
8 carried out by a Federal agency within the area
9 shall be carried out in a manner that is, to the maxi-
10 mum extent practicable, consistent with the ap-
11 proved application and plan referred to in subsection
12 (e)(2).

13 “(2) FEDERAL LICENSEE AND PERMITTEE AC-
14 TIVITIES.—In the case of a water supply protection
15 area for which an application is approved pursuant
16 to subsection (i), each applicant for a required Fed-
17 eral license or permit to conduct an activity within
18 the area shall provide in the application to the li-
19 censing or permitting agency a certification from the
20 planning entity that the proposed activity is consist-
21 ent with the comprehensive management plan of the
22 applicant.

23 “(3) PRESIDENTIAL EXEMPTION.—The Presi-
24 dent may exempt any Federal project or develop-
25 ment project from the requirements of this sub-

1 section if the President determines that the exemp-
 2 tion is in the paramount interest of the United
 3 States.”;

4 (8) by striking subsections (i) and (j) and in-
 5 serting the following new subsections:

6 “(i) APPROVAL OR DISAPPROVAL.—

7 “(1) IN GENERAL.—Not later than 120 days
 8 after the receipt of an application under this section,
 9 the Administrator shall approve or disapprove the
 10 application.

11 “(2) DETERMINATION BY THE ADMINIS-
 12 TRATOR.—The Administrator shall approve or dis-
 13 approve an application on the basis of a determina-
 14 tion that—

15 “(A) the water supply protection area
 16 meets the criteria established under subsection
 17 (d);

18 “(B) the application meets the require-
 19 ments described in subsection (e); and

20 “(C) there are adequate legal authorities
 21 and financial resources to ensure effective im-
 22 plementation of the comprehensive management
 23 plan required under subsection (e)(5).

24 “(3) SUBMISSION TO THE GOVERNOR.—If the
 25 Administrator disapproves an application, the Ad-

1 administrator shall submit to the Governor a written
 2 explanation of the reasons for the disapproval of the
 3 application.

4 “(4) RESUBMISSION OF APPLICATIONS.—An
 5 applicant may modify and resubmit any application
 6 that is disapproved.

7 “(j) GRANTS.—

8 “(1) IN GENERAL.—The Administrator may
 9 make grants to applicants that propose to develop
 10 an application pursuant to subsection (c).

11 “(2) CONDITIONS FOR GRANTS.—A grant made
 12 pursuant to this subsection shall be made on the
 13 conditions that—

14 “(A) the applicant provides not less than
 15 20 percent of the costs of developing the appli-
 16 cation; and

17 “(B) a grant to an applicant is made for
 18 not more than 3 consecutive years.”; and

19 (9) in subsection (n)—

20 (A) in the first sentence—

21 (i) by striking “carry out this section”
 22 and inserting “make grants pursuant to
 23 subsection (j)”; and

24 (ii) by inserting after “\$17,500,000”
 25 the following:

“1992–2000 \$20,000,000.”;

1 and

2 (B) by striking the last sentence.

3 (b) CONFORMING AMENDMENT.—Section 1424 (42
4 U.S.C. 300h–3) is amended by striking subsection (e).

5 (c) STATE WATER SUPPLY PROTECTION PRO-
6 GRAM.—Section 1428 (42 U.S.C. 300h–7) is amended—

7 (1) by striking the section heading and insert-
8 ing the following new section heading:

9 **“SEC. 1428. STATE PROGRAMS TO PROTECT WATER SUPPLY**
10 **AREAS.”;**

11 (2) in subsection (a)—

12 (A) by striking “wellhead” each place it
13 appears and inserting “water supply”; and

14 (B) by striking “well” each place it ap-
15 pears and inserting “source”;

16 (3) in subsections (b) and (c), by striking “well-
17 head” each place it appears and inserting “water
18 supply”;

19 (4) by striking subsection (d) and inserting the
20 following new subsection:

21 “(d) PROGRAM REVISION.—

22 “(1) SUBMISSION.—The Governor of a State
23 may submit to the Administrator a new or revised
24 program to protect water supply areas within the ju-

1 jurisdiction of the State from contaminants that may
2 have adverse effects on human health.

3 “(2) APPROVAL BY THE ADMINISTRATOR.—The
4 Administrator shall approve a new or revised water
5 supply protection program submitted pursuant to
6 this subsection if—

7 “(A) the program is consistent with the re-
8 quirements of paragraphs (1) through (6) of
9 subsection (a);

10 “(B) the program was developed in accord-
11 ance with the public participation requirements
12 of subsection (b);

13 “(C) the State has enacted such legal au-
14 thority as is sufficient to protect drinking water
15 within each water supply area in the State in
16 accordance with this section; and

17 “(D) the legal authorities established
18 under subparagraph (C) are reasonably likely to
19 be implemented.

20 “(3) DEFINITION OF LEGAL AUTHORITY.—As
21 used in this subsection, the term ‘legal authority’
22 means a State statute, county or municipal ordi-
23 nance, or other enforceable authority that is suffi-
24 cient to prevent the location of new sources of con-
25 taminants identified pursuant to subsection (a)(3)

1 within each water supply area in the State and to
 2 control the release of contaminants from existing
 3 sources within the water supply area, including such
 4 penalties for violations of the authority as the Ad-
 5 ministrator determines to be adequate.”;

6 (5) subsection (e) is amended to read as fol-
 7 lows:

8 “(e) WATER SUPPLY PROTECTION AREA DE-
 9 FINED.—As used in this section, the term ‘water supply
 10 protection area’ means the surface and subsurface area
 11 surrounding a water supply, including a surface water
 12 source or wellhead area, that supplies a public water sys-
 13 tem through which contaminants are reasonably likely to
 14 move toward and reach the water supply.”;

15 (6) subsection (g) is amended by—

16 (A) striking the first sentence; and

17 (B) striking “wells” and inserting “sup-
 18 plies”;

19 (7) in subsection (h)—

20 (A) by striking “(h) FEDERAL AGEN-
 21 CIES.—Each” and inserting the following:

22 “(h) ACTIVITIES INVOLVING FEDERAL AGENCIES.—

23 “(1) FEDERAL AGENCY ACTIVITIES.—Each”;

24 (B) by striking “The President may” and
 25 inserting the following:

1 “(3) PRESIDENTIAL EXEMPTION.—The Presi-
2 dent may”;

3 (C) by inserting after paragraph (1) (as so
4 designated) the following new paragraph:

5 “(2) FEDERAL LICENSEE AND PERMITTEE AC-
6 TIVITIES.—In the case of a water supply area within
7 a State for which a program is approved pursuant
8 to subsection (d), each applicant for a required Fed-
9 eral license or permit to conduct an activity within
10 the area shall provide in the application to the li-
11 censing or permitting agency a certification from the
12 State that the proposed activity complies with the
13 enforceable policies of the program of the State and
14 that the activity will be conducted in accordance
15 with the approved program.”; and

16 (D) in paragraph (1) (as so designated) by
17 inserting after “a State program” the following:

18 “approved pursuant to subsection (d)”;

19 (8) in subsection (k)—

20 (A) by striking the first sentence and in-
21 serting the following new sentence: “For each
22 fiscal year, the Administrator may make a
23 grant to a State with a program approved pur-
24 suant to subsection (d) to carry out the pro-
25 gram. The amount of each grant may not ex-

1 ceed 50 percent of the costs of carrying out the
2 program.”; and

3 (B) by adding at the end the following:

“1992–2000 \$20,000,000.”.

4 (d) FEDERAL WATER POLLUTION CONTROL ACT
5 GRANT ELIGIBILITY.—Section 319(h) of the Federal
6 Water Pollution Control Act (33 U.S.C. 1329(h)) is
7 amended by adding at the end the following new para-
8 graph:

9 “(13) WATER SUPPLY PROTECTION AREAS.—
10 Notwithstanding any other provision of this section,
11 funds made available to carry out this subsection
12 may be used to carry out a project consistent with
13 a water supply protection area comprehensive plan
14 approved pursuant to section 1427(i) of title XIV of
15 the Public Health Service Act (commonly known as
16 the ‘Safe Drinking Water Act’) (42 U.S.C. 300h–
17 6(i)) or a State water supply protection program ap-
18 proved pursuant to section 1428(d) of such Act. The
19 funds shall be used in the same manner as provided
20 for use of funds under this section, and be subject
21 to the conditions that apply under this section.”.

22 **SEC. 11. EMERGENCY POWERS.**

23 Section 1431 (42 U.S.C. 300i) is amended to read
24 as follows:

1 **“SEC. 1431. ACTIONS AUTHORIZED AGAINST IMMINENT AND**
2 **SUBSTANTIAL ENDANGERMENT TO HEALTH**
3 **OR AN UNDERGROUND SOURCE OF DRINK-**
4 **ING WATER.**

5 “Notwithstanding any other provision of this title,
6 the Administrator, on receipt of information that a con-
7 taminant that is present in or is likely to enter a public
8 water system or an underground source of drinking water
9 may present an imminent and substantial endangerment
10 to the health of individuals, and after providing notice to
11 appropriate State and local officials, may take such ac-
12 tions as the Administrator may consider necessary in
13 order to protect the health of the individuals. The actions
14 that the Administrator may take may include—

15 “(1) issuing such orders as may be necessary to
16 protect the health of individuals who are or may be
17 users of the public water system (including travel-
18 ers) or to restore or protect the public water system,
19 including orders requiring the provision of alter-
20 native water supplies by persons who caused or con-
21 tributed to the endangerment; and

22 “(2) commencing a civil action for appropriate
23 relief, including a restraining order or permanent or
24 temporary injunction.”.

1 **SEC. 12. TAMPERING WITH PUBLIC WATER SYSTEMS.**

2 (a) TAMPERING.—Section 1432(a) (42 U.S.C. 300i–
3 1(a)) is amended to read as follows:

4 “(a) TAMPERING.—No person shall tamper with, at-
5 tempt to tamper with, or make a threat to tamper with
6 a public water system.”.

7 (b) TAMPER DEFINED.—Section 1432(d) (42 U.S.C.
8 300i–1(d)) is amended to read as follows:

9 “(d) TAMPER DEFINED.—As used in this section, the
10 term ‘tamper’ means—

11 “(1) the introduction or addition of—

12 “(A) any element, compound, solution, or
13 substance designated as a hazardous substance
14 pursuant to section 102 of the Comprehensive
15 Environmental Response, Compensation, and
16 Liability Act of 1980 (42 U.S.C. 9602);

17 “(B) any hazardous waste having the char-
18 acteristics identified under or listed pursuant to
19 section 3001 of the Solid Waste Disposal Act
20 (42 U.S.C. 6921);

21 “(C) any toxic pollutant listed under sec-
22 tion 307(a) of the Federal Water Pollution
23 Control Act (33 U.S.C. 1317(a)); or

24 “(D) any imminently hazardous chemical
25 substance or mixture, with respect to which the
26 Administrator has taken action pursuant to sec-

1 tion 7 of the Toxic Substances Control Act (15
2 U.S.C. 2606),
3 into a public water system so as to endanger public
4 health except if the introduction is by an employee
5 or authorized agent of a public water system and is
6 carried out in conjunction with the normal duties of
7 the employee or agent for the purposes of treatment
8 of water or as a requirement for compliance with
9 any Federal, State, or local law (including any regu-
10 lation), or in response to a public health emergency;
11 or

12 “(2) the interference with the proper operation
13 or function of a public water system if the person
14 who causes the interference is recklessly indifferent
15 to the harm that the interference may cause to any
16 person; or

17 “(3) removing water from a public water sys-
18 tem through a pipe or device outside the public
19 water system and returning water to the public
20 water system, except in any case in which a pipe or
21 device is totally within the control of 1 or more pub-
22 lic water systems.”.

23 **SEC. 13. DRINKING WATER RESEARCH, EDUCATION, AND**
24 **CERTIFICATION.**

25 Section 1442 (42 U.S.C. 300j-1) is amended—

1 (1) by redesignating paragraph (3) of sub-
2 section (b) as paragraph (3) of subsection (d) and
3 moving such paragraph to appear after paragraph
4 (2) of subsection (d);

5 (2) by striking subsection (b) (as so amended);

6 (3) by redesignating subparagraph (B) of sub-
7 section (a)(2) as subsection (b) and moving such
8 subsection to appear after subsection (a);

9 (4) in subsection (a)—

10 (A) by striking paragraph (2) (as so
11 amended) and inserting the following new para-
12 graph:

13 “(2) In carrying out this title, the Administrator is
14 authorized to—

15 “(A) collect and make available information
16 pertaining to research, investigations, and dem-
17 onstrations with respect to providing a dependably
18 safe supply of drinking water, together with appro-
19 priate recommendations in connection with the infor-
20 mation; and

21 “(B) make available research facilities of the
22 Agency to appropriate public authorities, institu-
23 tions, and individuals engaged in studies and re-
24 search relating to this title.”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(12) There are authorized to be appropriated to
4 carry out this subsection \$20,000,000 for each of fiscal
5 years 1994 through 2000.”;

6 (5) in the first sentence of subsection (c), by
7 striking “eighteen months after the date of enact-
8 ment of this subsection” and inserting “2 years
9 after the date of enactment of the Safe Drinking
10 Water Act Amendments of 1993, and every 5 years
11 thereafter”;

12 (6) in subsection (d) (as amended by paragraph
13 (1))—

14 (A) in paragraph (1), by striking “, and”
15 at the end and inserting a semicolon;

16 (B) in paragraph (2), by striking the pe-
17 riod at the end and inserting “; and”;

18 (C) by adding after paragraph (3) (as re-
19 designated by paragraph (1)) the following new
20 paragraph:

21 “(4) develop and maintain a system for fore-
22 casting the supply of, and demand for, various pro-
23 fessional occupational categories and other occupa-
24 tional categories needed for the protection and treat-

1 ment of drinking water in each region of the United
2 States.”; and

3 (D) by adding at the end the following new
4 sentence: “There are authorized to be appro-
5 priated to carry out this subsection
6 \$10,000,000 for each of fiscal years 1994
7 through 2000.”;

8 (7) by striking subsection (e) and inserting the
9 following new subsection:

10 “(e)(1) The Chief Operator of a public water system
11 and any laboratory conducting tests pursuant to this Act,
12 and such additional personnel as may be designated by
13 the Administrator, shall be required to be certified as pro-
14 ficient pursuant to this section by a State that has a cer-
15 tification program that is approved by the Administrator.

16 “(2) The requirement referred to in paragraph (1)
17 shall become effective on the date that is 4 years after
18 the date of enactment of the Safe Drinking Water Act
19 Amendments of 1993, unless—

20 “(A) the State extends the effective date pursu-
21 ant to paragraph (3); or

22 “(B) the State has proposed to develop a small
23 system compliance program for the system, in which
24 case the effective date shall be the date that is 3

1 years after the date of completion of the compliance
2 program.

3 “(3) The State may extend the effective date of the
4 requirement referred to in paragraph (1) for a period of
5 not to exceed 3 years on a system-specific basis if the Ad-
6 ministrators determine that, with respect to a system, ade-
7 quate opportunity to seek certification did not exist during
8 the period described in paragraph (2).

9 “(4) Each certification of proficiency issued by the
10 appropriate official of a State under this section shall be
11 granted to the individual that receives the certification and
12 shall not be granted to the public water system where the
13 individual is employed.

14 “(5) A certification of proficiency issued under this
15 section shall be effective during the 5-year period begin-
16 ning on the date of certification. An individual may be
17 recertified on termination of the 5-year period (and on ter-
18 mination of each subsequent 5-year period) if the individ-
19 ual complies with inservice training and related education
20 requirements for the certification.

21 “(6) Nothing in this section is intended to be con-
22 strued to prevent a State from requiring more frequent
23 certification than is specified in paragraph (5).

24 “(7) Not later than 1 year after the date of the Safe
25 Drinking Water Act Amendments of 1993, the Adminis-

1 trator shall publish guidelines specifying minimum stand-
2 ards for certification of the proficiency of operators and
3 other appropriate personnel by a State pursuant to this
4 subsection.

5 “(8) Not later than 2 years after the date of enact-
6 ment of the Safe Drinking Water Act Amendments of
7 1993, the Administrator shall publish a public water sys-
8 tems operator’s manual that describes essential knowledge
9 and skills of—

10 “(A) a Chief Operator; and

11 “(B) such additional personnel as the Adminis-
12 trator determines appropriate to receive operator
13 proficiency certification.

14 “(9)(A) Beginning on the date of publication of the
15 guidelines under paragraph (7), the Governor of a State
16 may submit to the Administrator, in such form as the Ad-
17 ministrator may require, a certification program under
18 this section.

19 “(B) The Administrator shall review and approve or
20 disapprove a program submitted pursuant to this para-
21 graph not later than 90 days after the submittal of the
22 application. The Administrator shall approve the applica-
23 tion on the basis of a determination that—

1 “(i) the State certification program will be con-
2 sistent with the guidelines published pursuant to
3 subsection (b);

4 “(ii) the State has committed to implement the
5 program by not later than 1 year after the date of
6 approval of the application; and

7 “(iii) the State agrees to provide to the Admin-
8 istrator such information concerning the program as
9 the Administrator may request.

10 “(C) In any case in which the Administrator dis-
11 approves a program, the Administrator shall provide to
12 the State a written statement of the reasons for dis-
13 approval. The State may, not later than 90 days after re-
14 ceipt of the statement of the Administrator, submit to the
15 Administrator such modifications to the application as
16 may be necessary. Not later than 30 days after receipt
17 of the revised application, the Administrator shall approve
18 or disapprove the revised application.

19 “(D) A State may establish a certification require-
20 ment in addition to the requirements established pursuant
21 to this section.”; and

22 (8) in subsection (g) by amending the third sen-
23 tence by striking “1987–1991” and inserting
24 “1994–2000”.

1 **SEC. 14. STATE DRINKING WATER PROGRAM FUNDING.**

2 (a) PUBLIC WATER SYSTEM SUPERVISION PRO-
3 GRAM.—Section 1443(a) (42 U.S.C. 300j-2(a)) is amend-
4 ed—

5 (1) in paragraph (3)—

6 (A) by striking “A grant” and inserting
7 “(A) Except as provided in subparagraph (B),
8 a grant”; and

9 (B) by adding at the end the following new
10 subparagraph:

11 “(B) For fiscal year 1997, and each fiscal year there-
12 after, a grant made under paragraph (1) shall cover not
13 more than 50 percent of the costs of the grant recipient
14 (as determined under regulations of the Administrator) in
15 carrying out, during the 1-year period beginning on the
16 date the grant is made, a public water system supervision
17 program. A State may use funds collected as a result of
18 a fee program established under section 1444(a) to match
19 Federal assistance only to the extent that the funds are
20 in excess of amounts provided by the State pursuant to
21 subparagraph (A) for fiscal year 1994.”;

22 (2) in paragraph (7), by adding at the end a
23 period and the following new flush sentence: “For
24 the purpose of making grants under paragraph (1),
25 there are authorized to be appropriated such sums
26 as are necessary for each of fiscal years 1992 and

1 1993 and \$100,000,000 for each of fiscal years
2 1994 through 2000.”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(8) If the Administrator assumes the primary en-
6 forcement responsibility of a State water system super-
7 vision program, the Administrator may reserve from funds
8 made available pursuant to this subsection, an amount
9 equal to the amount that would otherwise have been pro-
10 vided to the State pursuant to this subsection. The Admin-
11 istrator shall use the funds reserved pursuant to this para-
12 graph, in combination with fees collected pursuant to sec-
13 tion 1444, in such manner as to ensure the full and effec-
14 tive administration of a public water system supervision
15 program in the State.”.

16 (b) STATE GROUND WATER PROTECTION GRANTS.—
17 Section 1443 (42 U.S.C. 300j-2) is amended—

18 (1) by redesignating subsection (c) as sub-
19 section (d); and

20 (2) by inserting after subsection (b) the follow-
21 ing new subsection:

22 “(c)(1) The Administrator may make a grant to a
23 State for the development and implementation of a State
24 program to ensure the coordinated and comprehensive
25 protection of ground water resources within the State.

1 “(2) Not later than 1 year after the date of enact-
2 ment of the Safe Drinking Water Act Amendments of
3 1993, and annually thereafter, the Administrator shall
4 publish guidance that establishes procedures for applica-
5 tion for State ground water protection program assistance
6 and that identifies key elements of State ground water
7 protection programs.

8 “(3)(A) The Administrator shall award grants to
9 States that submit an application that is approved by the
10 Administrator. The Administrator shall determine the
11 amount of a grant awarded pursuant to this paragraph
12 on the basis of an assessment of the extent of ground
13 water resources in the State and the likelihood that award-
14 ing the grant will result in sustained and reliable protec-
15 tion of ground water quality.

16 “(B) The Administrator may also award a grant pur-
17 suant to this paragraph for innovative programs for pre-
18 vention of ground water contamination proposed by a
19 State.

20 “(C) The Administrator shall, at a minimum, ensure
21 that, for each fiscal year, not less than 1 percent of funds
22 made available to the Administrator by appropriations to
23 carry out this subsection are allocated to each State that
24 submits an application that is approved by the Adminis-
25 trator pursuant to this subsection.

1 “(D) The Administrator may not award a grant
2 under this subsection to a person who is not a State.

3 “(E) No grant awarded by the Administrator may be
4 used for a project to remediate ground water contamina-
5 tion.

6 “(4) The awarding of grants by the Administrator
7 pursuant to this paragraph shall be coordinated with the
8 awarding of grants pursuant to section 319(i) of the Fed-
9 eral Water Pollution Control Act (33 U.S.C. 1329(i)) and
10 the awarding of other Federal grant assistance that pro-
11 vides funding for programs related to ground water pro-
12 tection.

13 “(5) The amount of a grant awarded pursuant to
14 paragraph (1) shall not exceed 50 percent of the eligible
15 costs of carrying out the ground water protection program
16 that is the subject of the grant (as determined by the Ad-
17 ministrator) for the 1-year period beginning on the date
18 that the grant is awarded. The State shall pay a State
19 share to cover the costs of the ground water protection
20 program from State funds in an amount not less than 50
21 percent of the cost of conducting the program.

22 “(6) Not later than 3 years after the date of enact-
23 ment of the Safe Drinking Water Act Amendments of
24 1993, and every 3 years thereafter, the Administrator
25 shall evaluate the State ground water protection programs

1 that are the subject of grants awarded pursuant to this
2 subsection and report to Congress on the status of ground
3 water quality in the United States and the effectiveness
4 of State programs for ground water protection.

5 “(7) There are authorized to be appropriated to the
6 Environmental Protection Agency \$20,000,000 for each of
7 fiscal years 1994 through 2000.”.

8 (c) STATE DRINKING WATER PROGRAM FUNDING.—
9 Section 1413(a) (42 U.S.C. 300g-2(a)) is amended—

10 (1) in paragraph (4), by striking “and” at the
11 end;

12 (2) in paragraph (5), by striking the period at
13 the end and inserting “; and”; and

14 (3) by adding at the end the following new
15 paragraph:

16 “(6) is providing funding that, in combination
17 with Federal grant assistance received pursuant to
18 section 1443(a), is sufficient to ensure the full and
19 effective administration of the public water system
20 supervision program of the State.”.

21 (d) FEDERAL FEE PROGRAM.—Section 1444 (42
22 U.S.C. 300j-3) is amended to read as follows:

23 **“SEC. 1444. FEDERAL DRINKING WATER PROGRAM FEE.**

24 **“(a) ESTABLISHMENT.—**

1 “(1) GENERAL AUTHORITY.—The Adminis-
2 trator shall establish a Federal program for the col-
3 lection of fees from public water systems in a State
4 to support the costs of administration of the public
5 water system supervision program in the State. Be-
6 ginning on the first day of fiscal year 1997, the Ad-
7 ministrator shall collect fees under this section with
8 respect to a State if the State does not have primary
9 enforcement responsibility for public water systems
10 within the State pursuant to section 1413(a).

11 “(2) AMOUNT OF FEES.—If the Administrator
12 is authorized to collect fees under paragraph (1), the
13 Administrator shall assess each public water system
14 of the State that serves more than 3,300 individuals.
15 The amount of a fee collected pursuant to the pre-
16 ceding sentence shall be not greater than \$0.005 per
17 100 gallons of water billed by a system, and shall,
18 in combination with Federal grant funds reserved by
19 the Administrator that otherwise would have been
20 provided to the State, is sufficient to ensure the full
21 and effective administration of the public water sys-
22 tem supervision program of the State.

23 “(b) PUBLIC DRINKING WATER SYSTEM SUPER-
24 VISION FUND.—

1 “(1) ESTABLISHMENT.—There is established in
2 the Treasury of the United States a fund to be
3 known as the ‘Public Drinking Water System Super-
4 vision Fund’ (referred to in this paragraph as the
5 ‘Fund’), consisting of—

6 “(A) such amounts as are appropriated to
7 the Fund under paragraph (2); and

8 “(B) any interest earned on investment of
9 amounts in the Fund under paragraph (4).

10 “(2) TRANSFERS TO FUND.—There are appro-
11 priated to the Fund amounts equivalent to amounts
12 collected as fees, and interest on the fees, and re-
13 ceived in the Treasury under this section.

14 “(3) EXPENDITURES FROM FUND.—On request
15 by the Administrator, the Secretary of the Treasury
16 shall transfer from the Fund to the Administrator
17 such amounts as the Administrator determines are
18 necessary to carry out the activities for which fees
19 are collected under this section.

20 “(4) INVESTMENT OF FUNDS.—

21 “(A) IN GENERAL.—The Secretary of the
22 Treasury shall invest such portion of the Fund
23 as is not, in the judgment of the Secretary, re-
24 quired to meet then current withdrawals. In-

1 vestments may be made only in interest-bearing
2 obligations of the United States.

3 “(B) ACQUISITION OF OBLIGATIONS.—For
4 the purpose of investments, obligations may be
5 acquired—

6 “(i) on original issue at the issue
7 price; or

8 “(ii) by purchase of outstanding obli-
9 gations at the market price.

10 “(C) SALE OF OBLIGATIONS.—Any obliga-
11 tion acquired by the Fund may be sold by the
12 Secretary of the Treasury at the market price.

13 “(D) CREDITS TO FUND.—The interest on,
14 and the proceeds from the sale or redemption
15 of, any obligations held in the Fund shall be
16 credited to and form a part of the Fund.

17 “(5) TRANSFERS OF AMOUNTS.—

18 “(A) IN GENERAL.—The amounts required
19 to be transferred to the Fund under this para-
20 graph shall be transferred at least monthly
21 from the general fund of the Treasury to the
22 Fund on the basis of estimates made by the
23 Secretary of the Treasury.

24 “(B) ADJUSTMENTS.—Proper adjustment
25 shall be made in amounts subsequently trans-

1 ferred to the extent prior estimates were in ex-
 2 cess of or less than the amounts required to be
 3 transferred.

4 “(c) STATE LOAN FUNDS.—

5 “(1) IN GENERAL.—For any fiscal year for
 6 which the amounts made available to the Adminis-
 7 trator from the Fund established under subsection
 8 (b) are less than the total amount deposited in the
 9 Fund during the preceding fiscal year, the Adminis-
 10 trator may reserve from funds made available pursu-
 11 ant to section 1489 the difference between the
 12 amounts.

13 “(2) USE OF FUNDS.—The Administrator may
 14 use the amount reserved pursuant to paragraph (1)
 15 for the administration of the public water system su-
 16 pervision program of States for which fees were col-
 17 lected pursuant to subsection (a) during the preced-
 18 ing fiscal year.”.

19 **SEC. 15. RECORDS AND INSPECTIONS.**

20 (a) IN GENERAL.—

21 (1) RECORDS.—Subparagraphs (A) and (B) of
 22 section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) are
 23 amended to read as follows:

24 “(A) Each person who (as determined by the Admin-
 25 istrator)—

1 “(i) is a supplier of water;

2 “(ii) is or may be otherwise subject to a pri-
3 mary drinking water regulation prescribed pursuant
4 to section 1412 or an order issued pursuant to sec-
5 tion 1441;

6 “(iii) is or may be subject to any other provi-
7 sion of part B or this part; or

8 “(iv) is a grantee,
9 shall establish and maintain such records, make such re-
10 ports, conduct such monitoring, and provide such informa-
11 tion as the Administrator may reasonably require to assist
12 the Administrator in carrying out the activities described
13 in subparagraph (B).

14 “(B) The activities described in this subparagraph
15 are as follows:

16 “(i) Issuing regulations pursuant to this title.

17 “(ii) Determining whether a person has acted
18 or is acting in compliance with part B or this part.

19 “(iii) Determining the injunctive or penalty re-
20 lief appropriate for any violation of part B or this
21 part.

22 “(iv) Administering a program of financial as-
23 sistance under this title.

24 “(v) Evaluating the health risks of unregulated
25 contaminants and advising the public of the risks.

1 “(vi) Carrying out any other responsibility of
2 the Administrator under this title.”

3 (2) FACTORS FOR CONSIDERATION.—Section
4 1445(a)(1) (42 U.S.C. 300j-4(a)(1)), as amended by
5 section 4(c)(2), is further amended by adding at the
6 end the following new subparagraph:

7 “(D) In requiring the owner or operator of a public
8 water system to conduct monitoring pursuant to this sub-
9 section, the Administrator may take into consideration the
10 size of the population served by the public water system
11 and the contaminants likely to be found in the drinking
12 water of the public water system.”.

13 (b) AUTHORIZATION.—Section 1445(a)(8) (42
14 U.S.C. 300j-4(a)(8)) is amended by striking
15 “\$30,000,000 in the fiscal year ending September 30,
16 1987” and inserting “\$35,000,000 for each of fiscal years
17 1994 through 2000”.

18 (c) INSPECTIONS.—Subsections (b) and (c) of section
19 1445 (42 U.S.C. 300j-4 (b) and (c)) are amended to read
20 as follows:

21 “(b)(1) The Administrator, or the authorized rep-
22 resentative of the Administrator (including an authorized
23 contractor acting as a representative of the Adminis-
24 trator), on presentation of appropriate credentials to any
25 person who is or may be subject to—

1 “(i) a national primary drinking water regula-
2 tion prescribed pursuant to section 1412;

3 “(ii) any requirement to monitor an unregu-
4 lated contaminant pursuant to subsection (a); or

5 “(iii) any other requirement of part B or E,
6 or to a person in charge of any of the property of a person
7 referred to in clause (i), (ii), or (iii) (or the senior em-
8 ployee present at the site), is authorized to enter any es-
9 tablishment, facility, or other property of a person referred
10 to in clause (i), (ii), or (iii).

11 “(2) The Administrator or an authorized representa-
12 tive of the Administrator may enter an establishment, fa-
13 cility, or other property pursuant to paragraph (1)—

14 “(A) in order to determine whether a person
15 has acted or is acting in compliance with part B or
16 this part, including for this purpose, inspecting, at
17 reasonable times, of records, files, papers, processes,
18 controls, and facilities; or

19 “(B) in order to test any feature of a public
20 water system, including the raw water source of the
21 system.

22 “(3) The Administrator or the Comptroller General
23 of the United States (or any authorized representative
24 designated by the Administrator or the Comptroller Gen-
25 eral of the United States) shall have access for the purpose

1 of audit and examination of any record, report, or infor-
2 mation of a person or grantee that—

3 “(A) is required to be maintained under sub-
4 section (a); or

5 “(B) is pertinent to any financial assistance
6 provided pursuant to this title.

7 “(c) Any person, who is subject to any provision of
8 part B or this part (including a person that the Adminis-
9 trator determines may be subject to a requirement of part
10 B or this part), shall—

11 “(1) comply with the requirements of subsection
12 (a);

13 “(2) allow the Administrator or the authorized
14 representative of the Administrator to enter and
15 make determinations and test and take samples pur-
16 suant to paragraph (1) and (2) of subsection (b);
17 and

18 “(3) allow the Administrator, the Comptroller
19 General of the United States or authorized rep-
20 resentative of the Administrator or the Comptroller
21 General of the United States to have access to,
22 audit, and examine records, reports, and information
23 pursuant to subsection (b)(3).”.

1 (d) DRINKING WATER COOLERS.—Section 1445 (42
2 U.S.C. 300j-4) is amended by adding at the end the fol-
3 lowing new subsection:

4 “(f) INFORMATION REGARDING DRINKING WATER
5 COOLERS.—The Administrator may use the authorities of
6 this section in carrying out part F. With respect to the
7 application of this section to persons subject to part F,
8 a person who manufactures, imports, sells, or distributes
9 drinking water coolers or component parts of drinking
10 water in interstate commerce shall be considered a sup-
11 plier of water.”.

12 **SEC. 16. FEDERAL AGENCIES.**

13 Subsections (a) and (b) of section 1447 (42 U.S.C.
14 300j-6 (a) and (b)) are amended to read as follows:

15 “(a)(1) Each Federal agency shall be subject to, and
16 comply with, all Federal, State, interstate and local sub-
17 stantive and procedural requirements, administrative au-
18 thorities, and process and sanctions respecting the provi-
19 sion of safe drinking water in the same manner, and to
20 the same extent, as any nongovernmental entity is subject
21 to, and shall comply with, the requirements, authorities,
22 and process and sanctions.

23 “(2) The Federal, State, interstate, and local sub-
24 stantive and procedural requirements, administrative au-
25 thority, and process and sanctions referred to in para-

1 graph (1) include all administrative orders and all civil
2 and administrative penalties or fines, regardless of wheth-
3 er the penalties or fines are punitive or coercive in nature
4 or are imposed for isolated, intermittent, or continuing
5 violations.

6 “(3) The United States hereby expressly waives any
7 immunity otherwise applicable to the United States with
8 respect to any requirement, administrative authority, or
9 process or sanction referred to in paragraph (2) (including
10 any injunctive relief, administrative order or civil or ad-
11 ministrative penalty or fine referred to in paragraph (2),
12 or reasonable service charge). The reasonable service
13 charges referred to in this paragraph include fees or
14 charges assessed in connection with the processing, issu-
15 ance, renewal or amendment of permits, variances, or ex-
16 emptions, review of plans, studies, and other documents,
17 and inspection and monitoring of facilities, as well as any
18 other nondiscriminatory charges that are assessed in con-
19 nection with a Federal, State, interstate, or local safe
20 drinking water regulatory program.

21 “(4) No agent, employee, or officer of the United
22 States shall be personally liable for any civil penalty under
23 this subsection with respect to any act or omission within
24 the scope of the official duties of the agent, employee, or
25 officer.

1 “(5) An agent, employee, or officer of the United
2 States shall be subject to a criminal sanction (including
3 a fine or imprisonment under this subsection). No depart-
4 ment, agency, or instrumentality of the executive, legisla-
5 tive, or judicial branch of the Federal Government shall
6 be subject to a sanction referred to in the preceding sen-
7 tence.

8 “(b)(1) The President may waive compliance with
9 subsection (a) by any department, agency, or instrumen-
10 tality in the executive branch if the President determines
11 waiving compliance with such subsection to be in the para-
12 mount interest of the United States.

13 “(2) No waiver described in paragraph (1) shall be
14 granted due to the lack of an appropriation unless the
15 President has specifically requested the appropriation as
16 part of the budgetary process and Congress has failed to
17 make available the requested appropriation.

18 “(3) A waiver under this subsection shall be for a
19 period of not to exceed 1 year, but an additional waiver
20 may be granted for a period of not to exceed 1 year on
21 the termination of a waiver if the President reviews the
22 waiver and makes a determination that it is in the para-
23 mount interest of the United States to grant an additional
24 waiver.

1 “(4) Not later than January 31 of each year, the
2 President shall report to Congress on each waiver granted
3 pursuant to this subsection during the preceding calendar
4 year, together with the reason for granting the waiver.”.

5 **SEC. 17. CITIZEN’S CIVIL ACTION.**

6 (a) IN GENERAL.—Subsections (a) through (c) of
7 section 1449 (42 U.S.C. 300j–8 (a) through (c)) are
8 amended to read as follows:

9 “(a)(1) Except as provided in subsection (b), any per-
10 son may commence a civil action on behalf of the person—

11 “(A) against any person (including a Federal
12 agency, to the extent permitted by sections 1447 and
13 1472) who is alleged to have violated (if there is evi-
14 dence that the alleged violation has been repeated by
15 the person) or to be in violation of any requirement
16 of part B or this part (including any regulation is-
17 sued pursuant to this title);

18 “(B) against any Federal agency that is alleged
19 to have violated (if there is evidence that the alleged
20 violation has been repeated by the person) or to be
21 in violation of any order issued under this title by
22 the Administrator;

23 “(C) against any Federal agency that fails to
24 pay a penalty assessed by the Administrator pursu-

1 ant to section 1472(c)(1)(B) within 1 year after the
2 effective date of the final order; and

3 “(D) against the Administrator, if a failure of
4 the Administrator to perform any act or duty under
5 this title that is not discretionary with the Adminis-
6 trator is alleged.

7 “(2) Each United States district court shall have ju-
8 risdiction, without regard to the amount in controversy or
9 the citizenship of the parties, to enforce in an action
10 brought under this subsection any requirement under this
11 title (including any requirement under a regulation issued
12 under this title) or any order issued under this title by
13 the Administrator to a Federal agency. The enforcement
14 by the court may include ordering—

15 “(A) the Federal agency to pay the penalty as-
16 sessed pursuant to section 1472(c)(1)(B), or order
17 relief pursuant to section 1428; and

18 “(B) the Administrator to perform an act or
19 duty described in paragraph (1)(D), and to impose
20 any appropriate civil penalties pursuant to section
21 1472.

22 “(b)(1) No civil action may be commenced—

23 “(A) under subsection (a)(1) concerning a viola-
24 tion of a requirement prescribed under this title (in-

1 cluding any requirement under a regulation issued
2 under this title)—

3 “(i) prior to the termination of the 60-day
4 period beginning on the date the plaintiff gives
5 notice of the violation to—

6 “(I) the Administrator;

7 “(II) any alleged violator of the re-
8 quirement; and

9 “(III) the State in which the violation
10 occurs, or has occurred;

11 “(ii) if the Administrator, or the Attorney
12 General, has commenced and is diligently pros-
13 ecuting, a civil action in a court of the United
14 States to require compliance with the require-
15 ment, except that in any such action in a court
16 of the United States any person may intervene
17 as a matter of right;

18 “(iii) if a State has commenced prior to
19 the notification required by this subsection, and
20 is diligently prosecuting, a civil action in a
21 court of the United States to require compli-
22 ance with the requirement, except that in any
23 such action in a court of the United States any
24 person may intervene as a matter of right; or

1 “(iv) if the Administrator has commenced,
2 and is diligently prosecuting, an action pursu-
3 ant to section 1472(a) against a Federal agen-
4 cy, or with respect to which the Administrator
5 has issued a final order and the violator has
6 paid a penalty pursuant to section 1472(c); or

7 “(B) under subsection (a)(1)(D), before the ter-
8 mination of the 60-day period beginning on the date
9 the plaintiff gives notice of the action to the Admin-
10 istrator.

11 “(2) The notice required by this subsection shall be
12 given in such manner as the Administrator shall prescribe
13 by regulation.

14 “(c) In any action under this section, the Adminis-
15 trator or the Attorney General, if not a party, may inter-
16 vene as a matter of right at any time in the proceedings.
17 A judgment in an action brought pursuant to this section
18 to which the United States is not a party shall not have
19 any binding effect upon the United States.”.

20 (b) SERVICE OF COMPLAINT.—Section 1449 (42
21 U.S.C. 300j-8) is amended by adding at the end the fol-
22 lowing new subsection:

23 “(f) Whenever any action is brought under this sec-
24 tion in a court of the United States, the plaintiff shall
25 serve a copy of the complaint on the Attorney General and

1 the Administrator. No consent judgment shall be entered
 2 in an action in which the United States is not a party
 3 during the 45-day period beginning on the date of receipt
 4 of a copy of a proposed consent judgment by the Attorney
 5 General and the Administrator. A judgment in an action
 6 under this section to which the United States is not a
 7 party shall not have a binding effect on the United
 8 States.”.

9 **SEC. 18. OTHER AMENDMENTS.**

10 (a) DEFINITION OF PUBLIC WATER SYSTEM.—Sec-
 11 tion 1401(4) (42 U.S.C. 300f(4)) is amended by adding
 12 at the end the following new sentence: “The term does
 13 not include any noncommunity water system that does not
 14 provide water for human consumption if bottled water is
 15 provided for human consumption, and there are posted
 16 such signs prohibiting the drinking of water from the sys-
 17 tem as the Administrator determines are appropriate.”.

18 (b) ANNUAL REPORT.—Section 1450 (42 U.S.C.
 19 300j–9) is amended by striking subsection (h).

20 (c) STATE PRIMARY ENFORCEMENT RESPONSIBIL-
 21 ITY.—Section 1413(a) (42 U.S.C. 300g–2(a)), as amend-
 22 ed by section 14(c), is further amended by striking para-
 23 graph (1) and inserting the following new paragraph:

24 “(1) has adopted drinking water regulations
 25 that are no less stringent than the national primary

1 drinking water regulations promulgated by the Ad-
 2 ministrator under subsections (a) and (b) of section
 3 1412 not later than 2 years after the promulgation
 4 of the national regulations by the Administrator;”.

5 (d) JUDICIAL REVIEW.—Section 1448(a) (42 U.S.C.
 6 300j–7(a)) is amended—

7 (1) in paragraph (2), by inserting “final” after
 8 “any other”; and

9 (2) in the second sentence, by striking “or issu-
 10 ance of the order” and inserting “or any other final
 11 Agency action”.

12 (e) REPORT TO CONGRESS ON PRIVATE DRINKING
 13 WATER.—Section 1450 (42 U.S.C. 300j–9) is amended by
 14 adding at the end the following new subsection:

15 “(j) The Administrator shall conduct a study to de-
 16 termine the extent and seriousness of contamination of
 17 private sources of drinking water that are not regulated
 18 under this Act. Not later than 3 years after the date of
 19 enactment of this subsection, the Administrator shall sub-
 20 mit to Congress a report that includes the findings of the
 21 study and recommendations by the Administrator concern-
 22 ing responses to any problems identified under the
 23 study.”.

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